



***Proposed  
Mitigated Negative Declaration***

Publication Date: June 19, 2020  
Public Review Period: 6/19/20 to 7/20/20  
State Clearinghouse Number:  
Permit Sonoma File Number: **UPC18-0001**  
Prepared by: Everett Louie, Planner  
Phone: (510) 845-7549

Pursuant to Section 15071 of the State CEQA Guidelines, this proposed Mitigated Negative Declaration and the attached Initial Study, including the identified mitigation measures and monitoring program, constitute the environmental review conducted by the County of Sonoma as lead agency for the proposed project described below:

<b>Project Name:</b>	<b>UPC18-0001</b>
<b>Project Applicant/Operator:</b>	Eric Bell, Misty Mountain Services LLC
<b>Project Location/Address:</b>	885 Montgomery Road, Sebastopol, CA
<b>APN:</b>	077-130-095
<b>General Plan Land Use Designation:</b>	Diverse Agriculture 20-acre density (DA 20)
<b>Zoning Designation:</b>	Diverse Agriculture (DA), with 20-acre density and Riparian Corridor (RC 100/50) Combining Zones
<b>Decision Making Body:</b>	Sonoma County Board of Supervisors
<b>Project Description:</b>	See Item III, below

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation” as indicated in the attached Initial Study and in the summary table below.

**Table 1. Summary of Topic Areas**

<b>Topic Area</b>	<b>Abbreviation</b>	<b>Yes</b>	<b>No</b>
Aesthetics	VIS		No
Agricultural & Forestry	AG		No
Air Quality	AIR		No
Biological Resources	BIO	Yes	
Cultural Resources	CUL		No
Energy	ENE		No
Geology and Soils	GEO		No
Greenhouse Gas Emission	GHG		No
Hazards and Hazardous Materials	HAZ		No
Hydrology and Water Quality	HYDRO		No
Land Use and Planning	LU		No
Mineral Resources	MIN		No
Noise	NOISE		No
Population and Housing	POP		No
Public Services	PS		No
Recreation	REC		No
Transportation	TRANS		No
Tribal Cultural Resources	TCR		No
Utility and Service Systems	UTL		No
Wildfire	FIRE		No

## RESPONSIBLE AND TRUSTEE AGENCIES

The following lists other public agencies whose approval is required for the project, or who have jurisdiction over resources potentially affected by the project.

**Table 2. Agencies and Permits Required**

<b>Agency</b>	<b>Activity</b>	<b>Authorization</b>
California Department of Food and Agriculture (CalCannabis)	Cannabis cultivation	Cultivation Licensing
Regional Water Quality Control Board (North Coast or San Francisco Bay)	Discharge or potential discharge to waters of the state	California Clean Water Act (Porter Cologne) – Waste Discharge requirements, general permit or waiver
California Department of Fish and Wildlife	Lake or streambed alteration	Fish and Game Code, Section 1602

## ENVIRONMENTAL FINDING:

Based on the evaluation in the attached Initial Study, I find that the project described above will not have a significant adverse impact on the environment, provided that the mitigation measures identified in the Initial Study are included as conditions of approval for the project and a Mitigated Negative Declaration is proposed. The applicant has agreed in writing to incorporate identified mitigation measures into the project plans.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Date:



## ***Initial Study***

### **I. INTRODUCTION:**

Misty Mountain Services, LLC, proposes a commercial cannabis cultivation operation involving indoor and outdoor cultivation on a partially developed parcel. A referral letter was sent to the appropriate local, state, and interest groups who may wish to comment on the project.

This report is the Initial Study required by the California Environmental Quality Act (CEQA). The report was prepared by Everett Louie, Contract Project Planner with MIG. Information on the project was provided by Eric Bell of Misty Mountain Services, LLC. Technical studies provided by qualified consultants are attached to this Initial Study to support the conclusions. Other reports, documents, maps and studies referred to in this document are available for review at the Permit and Resource Management Department (Permit Sonoma)

Please contact Everett Louie, Contract Planner, at (510) 845-7549 for more information.

### **II. SITE LOCATION**

The proposed project would be located at 885 Montgomery Road, Sebastopol, on a partially developed 10-acre parcel zoned Diverse Agriculture (DA), B6 20Z Combining District, and Riparian Corridor Combining Zone (RC100/50). Figure 1 shows the project site vicinity.

### **III. PROJECT OVERVIEW**

Misty Mountain Services, LLC proposes a commercial cannabis cultivation operation involving (1) indoor cultivation, propagation and processing, totaling approximately 3,465 (1,547 indoor cultivation, 1,414 square feet of propagation and 504 processing) square feet, in five of the existing buildings on-site, and (2) outdoor cultivation in a series of existing terraces in the middle part of the site, with a total area of approximately 38,484 square feet (0.88 acres). Total proposed project cultivation area is 41,949 square feet. The applicant is currently operating under the Penalty Relief Program and the project proposal is to legalize the existing operation with no expansion of cultivation. The proposal includes the construction of supporting infrastructure including two water storage tanks to hold captured rain water for irrigation (see section 10, Hydrology and Water Quality), conversion of an existing bathroom to an ADA

compliant bathroom, and minor improvements to the existing hammerhead turnarounds on the property to increase fire safety. The project will also comply with standard conditions of approval verifying that the existing private driveway meets AASHTO standards.



Figure 1. Project Vicinity  
(Source: Google Maps)

The site would be closed to the public and would not contain any retail components.

#### IV. EXISTING FACILITY

The parcel has an existing unpermitted cannabis cultivation operation totaling approximately 41,445 square feet (38,484 square feet of outdoor, 1,547 square feet of indoor, 1,414 square feet of propagation) and 504 square feet of indoor processing, two small fruit orchards, and two vegetable gardens. There are seven buildings on the property, six of which are in the northeastern corner of the property: a single-family residence, another dwelling unit (“granny unit”), three garages, and a studio (the “teahouse”). A barn is located in the southeastern part of the parcel. Two of the existing buildings are currently being used for cannabis cultivation operations (harvested cannabis storage, and a holding area for cannabis scheduled for destruction); chemical storage (pesticides, agricultural chemicals, fuel) occurs in a carport attached to a third building. The on-site single-family residence is currently occupied. The “granny unit” is not occupied. There are also two irrigation tanks on the site, located near the middle of the parcel, north of the current outdoor cannabis cultivation area. The site has two septic systems and three domestic water wells.

## V. SETTING

The project is located in an area that is largely rural, to the west of Sebastopol, in Sonoma County. The site is surrounded by low-density residential, agricultural fields, and orchards, with forest canopy along Montgomery Road to the west. The City of Sebastopol is about 1.5 miles to the east.

## VI. SITE DESCRIPTION

Existing Uses: The project site is partially developed and currently has an unpermitted cannabis cultivation operation, single family residence and existing agricultural uses. One of the fruit orchards is located in the northern part of the parcel to the west of the “teahouse”; the other one is to the west of the outdoor cultivation area. One vegetable garden is located adjacent to the east side of the cultivation area; the other vegetable garden is located near the top of the driveway, on the east side. Two irrigation tanks are located north of the current outdoor cannabis cultivation area, near the middle of the parcel. An access road leads from Montgomery Road eastward through the parcel.

Topography and Drainage: The project site slopes from the southwest to the northeast, with an average slope of about 12 percent, ranging in elevation from approximately 263 feet at the southwest property boundary at Montgomery Road to approximately 412 feet at the northern property line. Storm water drains in a southerly direction over existing vegetation. A drainage ditch (half concrete lined, half-armored with riprap) directs runoff near the project’s Montgomery Road entrance in the west. The western property order is within a designated riparian corridor, which has an unnamed creek that runs parallel to Montgomery Road and is tributary to Jonive Creek (and ultimately Atascadero Creek). The Riparian Corridor is located directly across Montgomery Road on the side away from the project parcel. Figure 2 shows the project site.

Vegetation: The western and eastern portions of the project site are dominated by trees; the interior of the project site, which contains the existing cannabis cultivation area, contains grassland with some trees. The creek has well developed vegetation which includes mature trees and dense riparian vegetation.



Figure 2. Project Site  
(Source: Google Maps)

## VII. PLANS AND POLICIES

The project site general plan land use designation is Diverse Agriculture. The Diverse Agriculture land use designation is designed to “*enhance and protect those land areas where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element.*” See section 11, Land Use, for a discussion of the project relationship to General Plan policies. The Sonoma County Code permits commercial cannabis uses in Diverse Agriculture zones (Section 26-08-010). The project site is not located within a specific plan or area plan.

## VIII. PROJECT DESCRIPTION

Buildings and Uses: The indoor cannabis activities (cultivation, propagation/processing) would

occur in five of the existing on-site buildings. Figure 3 shows the project site plan, and Figure 4 shows detail of six of the existing on-site buildings.

1. three garages - 504 square feet (Bldg 1B), 763 square feet (Bldg 2A), and 784 square feet (Bldg 4)
2. two storage structures - 763 square feet (Bldg 2B), and 651 square feet (Bldg 5)

Although no new buildings are proposed, these existing buildings would need to comply with County Building standards, which could necessitate modifications or alterations that may require additional County permits.

In addition, the project would convert an existing bathroom to an ADA-compliant bathroom, located in the garage (Bldg 4) next to the pool pump room. Also, the barn (Bldg 7) would continue to be used for storing cannabis scheduled for destruction.

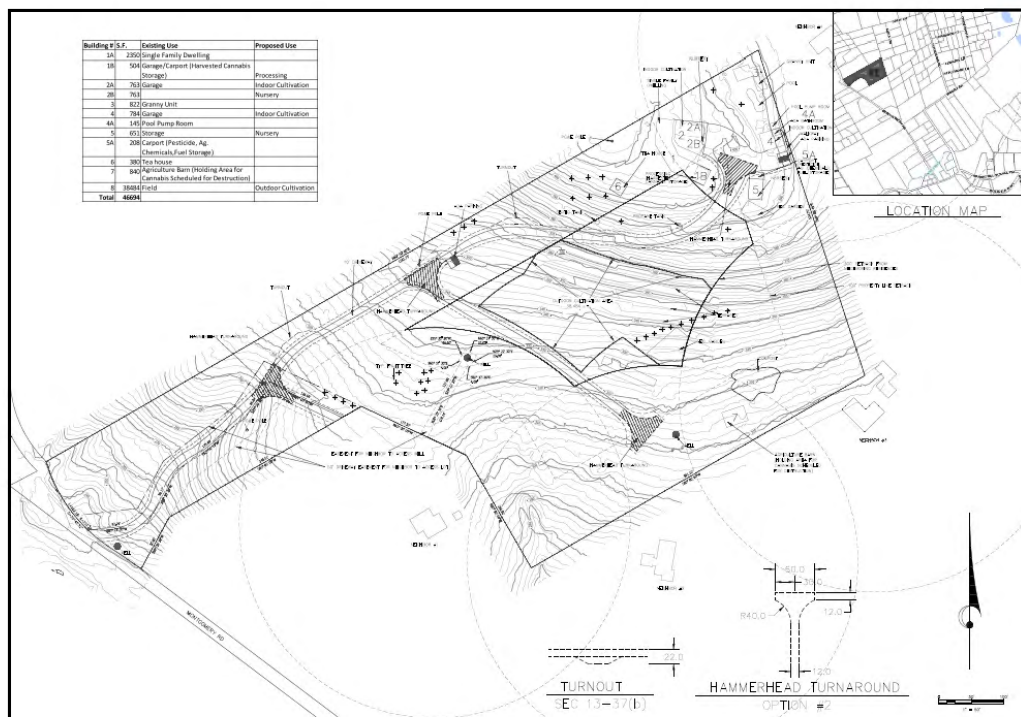
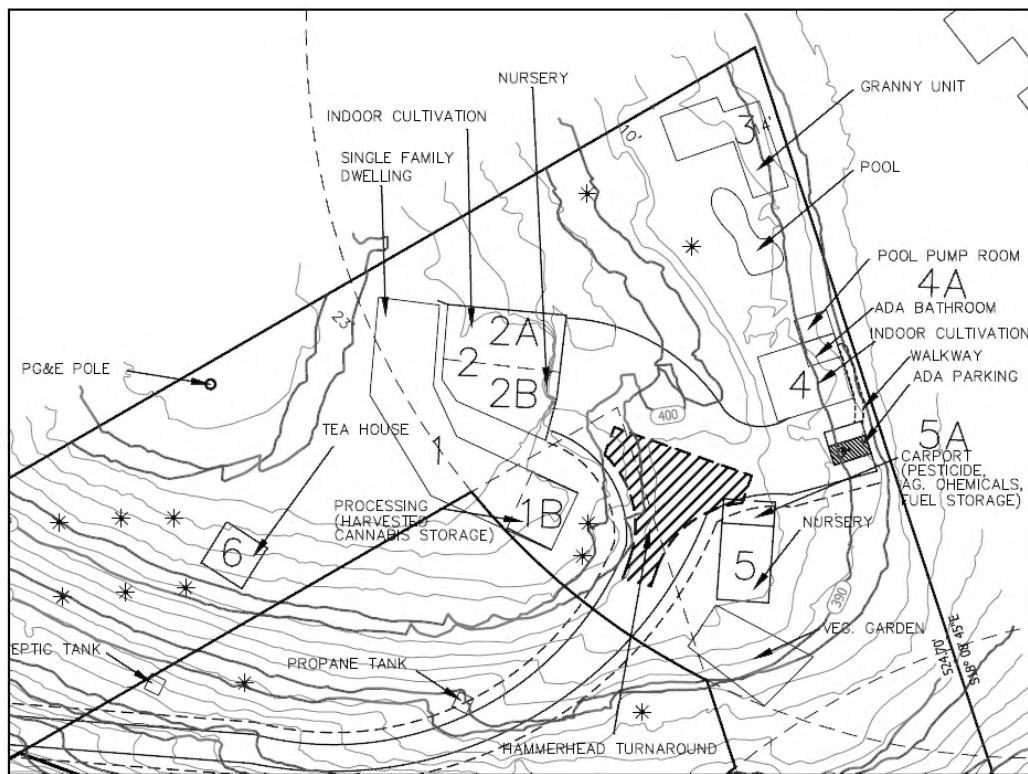


Figure 3. Site Plan  
(Source: T.D.G. Consulting Civil Engineers, Inc.)



*Figure 4. Existing on-site buildings (#1 through #6)  
(Source: T.D.G. Consulting Civil Engineers, Inc.)*

**Employees and Hours of Operation:** There would be two to three full-time employees. The applicant proposes if needed to hire up to 12 temp-seasonal employees for the outdoor harvest activities only. Hours of operation would be from 6:00 AM to 1:00 PM and 2:00 PM to 8:00 PM, seven days a week. In addition, security for the operation would be provided by an outside contractor, 24 hours, seven days a week.

**Cultivation Operation:** The proposed project would involve indoor and outdoor cannabis cultivation. The proposed indoor operations would take place in two of the existing on-site buildings, totaling approximately 1,547 square feet (#2A, #4). Indoor propagation would occur in two of the existing on-site buildings totaling approximately 1,414 square feet (#2B and #5). Indoor propagation would involve the applicant removing the tops of on-site plants prior to the flowering stage and propagating new plant material from the removed portion. Once the immature plants are ready to flower, they will be moved to the on-site indoor cultivation Buildings 2A and 4. Indoor processing would occur in the garage attached to the single-family residence (#1B) and would involve cutting of flowering plants ready to be harvested from their main branch, hanging them upside down to dry out excess water, storing for an approximate 7-10 day curing process, then trimming prior to shipment.

The outdoor cultivation would take place in the middle part of the project site, in a series of terraces where the current unpermitted cultivation occurs, totaling approximately 38,484

square feet. Upon harvesting, plants would be immediately transported offsite for drying, curing, and processing.

Security: The outdoor cultivation area would be fenced with a natural colored privacy screen and would include fire-resistant vegetation. The fence would be consistent with County Code height limitations, and the entrance would have an automatic locking security gate. Motion-sensor security cameras would be installed to monitor the cultivation area. Security lighting would be fully shielded and downward casting so as not to spill over onto structures. Structures used for cultivation would have locking doors. Security would be provided by an outside contractor, 24 hours, seven days a week.

Access: All access and egress for vehicles and trucks would be via a paved private driveway directly off Montgomery Road. The private driveway only serves the project parcel. The project access and private driveway were reviewed by the Department of Transportation and Public Works and the Fire Services Division within Permit Sonoma. Both departments did not request any roadway or access improvements and provided standard conditions of approval which would require the applicant to provide the following: confirm that the driveway entrance conforms to AASHTO standards and confirm the roadway meets the Sonoma County Fire Safe Standards. Staff performed a site visit and confirmed that the road is paved, drivable and in very good condition.

Parking: All parking will be provided on-site. Two parking spaces (one ADA compliant) would be located directly adjacent to the outdoor cultivation area; two additional parking spaces (one ADA compliant) would be located in the northeastern part of the parcel near the end of the driveway.

Sewage Disposal: Domestic waste water disposal would be provided via one of two on-site septic systems. Process waste water disposal would be provided via the other on-site septic system.

Water Supply: Water would be supplied in part from an existing well on site located south of the cultivation area, about 75 feet from the parcel border. Captured rainwater would be stored in two proposed water tanks for use during the high demand period between August and October (see section 10, Hydrology and Water Quality).

Energy Supply: The energy supply would consist of 100% renewable power purchased from EverGreen (Sonoma Clean power).

Waste Management: All garbage and refuse on this site would be accumulated and stored in nonabsorbent, watertight, vector resistant, durable, easily cleanable, heavy plastic containers with tight fitting lids. No refuse container would be filled beyond the capacity in order to completely close the lid. All garbage and refuse on this site would not be accumulated or stored for more than seven calendar days, and would be properly disposed of before the end of the

seventh day in a manner prescribed by the Solid Waste Local Enforcement Agency.

All waste, including but not limited to refuse, garbage, green waste and recyclables, would be disposed of in accordance with local and state codes, laws, and regulations. All waste generated from cannabis operations would be properly stored and secured to prevent access from the public.

Misty Mountain Services, LLC would continue its current recycling program on the property, with receptacles placed in convenient locations throughout the property. All glass, plastic, and aluminum would be collected and delivered to a nearby recycling center. An owner-supplied dump trailer would be used for hauling trash and recycling. Plant and organic waste would be composted on-site. The applicant will comply with the conditions of approval and properly dispose of solid waste at a County Transfer Station or County Landfill before the seventh day.

Storm Water Runoff: The project would include vegetated swales in two areas near the outdoor cultivation area to intercept storm water and allow for infiltration into the soil, which would also provide for groundwater recharge.

Construction: The construction of the two water storage tanks and various tenant improvements will be completed in one season.

## **IX. ISSUES RAISED BY THE PUBLIC OR AGENCIES**

A referral packet was drafted and circulated to inform and solicit comments from relevant local and state agencies; and to special interest groups that were anticipated to take interest in the project.

As of August 21, 2019, the project planner received ten (10) responses to the project referral from: PRMD Building Division, Sonoma County Code Enforcement, Sonoma County Fire, PRMD Grading & Storm Water Section, PRMD Natural Resources Geologist, PRMD Project Review Health Specialist, PRMD Fire and Emergency Services Department, Sonoma County Department of Transportation & Public Works, the Northwest Information Center, and the Federated Indians of Graton Rancheria. The referral responses included several requests for further information and project use permit conditions of approval. The project planner did not receive a consultation request under AB52.

### **Tribal Consultation Under AB52**

Referrals were sent to the following Tribes on January 17, 2018:

- Cloverdale Rancheria of Pomo Indians
- Dry Creek Rancheria Band of Pomo Indians
- Lytton Rancheria of California

- Kashia Pomo Stewarts Point Rancheria
- Federated Indians of Graton Rancheria
- Middletown Rancheria Band of Pomo Indians
- Mishewal Wappo Tribe of Alexander Valley
- Torres Martinez Desert Cahuilla Indians

The request for consultation period ended on February 16, 2018, with no Native American Tribes having requested consultation for the project.

Upon permit application intake on January 5, 2018, Permit Sonoma determined an early neighborhood notification was needed for this project, and neighborhood notification of a complete application was distributed to residents within 300 feet of the subject property line. To date, 20 letters from the public have been received, indicating concerns or issues, mainly related to crime, odor, and water usage.

## **X. OTHER RELATED PROJECTS**

There is one cannabis project within one mile of the proposed project. The project which is located to the south near the intersection of Montgomery Road and Bodega Highway has received a permit for operation. The permitted cannabis operation is a 10,000 square foot outdoor grow on a 7.38-acre parcel. The project proposal includes a water conservation plan to reduce net groundwater use (via rainwater catchment and other surface water storage), which would help alleviate project contributions to cumulative area demand on groundwater use during high-demand months (i.e., August through October). See section 10, Hydrology and Water Quality, for a discussion of estimated project groundwater use and reduction approaches.

## **XI. EVALUATION OF ENVIRONMENTAL IMPACTS**

This section analyzes the potential environmental impacts of this project based on the criteria set forth in the State CEQA Guidelines and the County's implementing ordinances and guidelines. For each item, one of four responses is given:

**No Impact: The project would not have the impact described.** The project may have a beneficial effect, but there is no potential for the project to create or add increment to the impact described.

**Less Than Significant Impact:** The project would have the impact described, but the impact would not be significant. Mitigation is not required, although the project applicant may choose to modify the project to avoid the impacts.

**Potentially Significant Unless Mitigated:** The project would have the impact described, and the impact could be significant. One or more mitigation measures have been identified that will reduce the impact to a less than significant level.

**Potentially Significant Impact:** The project would have the impact described, and the impact could be significant. The impact cannot be reduced to less than significant by incorporating mitigation measures. An environmental impact report must be prepared for this project.

Each question was answered by evaluating the project as proposed, that is, without considering the effect of any added mitigation measures. The Initial Study includes a discussion of the potential impacts and identifies mitigation measures to substantially reduce those impacts to a level of insignificance where feasible. All references and sources used in this Initial Study are listed in the Reference section at the end of this report.

Misty Mountain Services, LLC, has agreed to accept all mitigation measures listed in this Initial Study as conditions of approval for the proposed project, to obtain all necessary permits, and to notify all contractors, agents, and employees involved in project implementation and any new owners should the property be transferred, to ensure compliance with the mitigation measures.

## **1. AESTHETICS:**

**Except as provided in Public Resources Code Section 21099, would the project:**

### **a) Have a substantial adverse effect on a scenic vista?**

Comment:

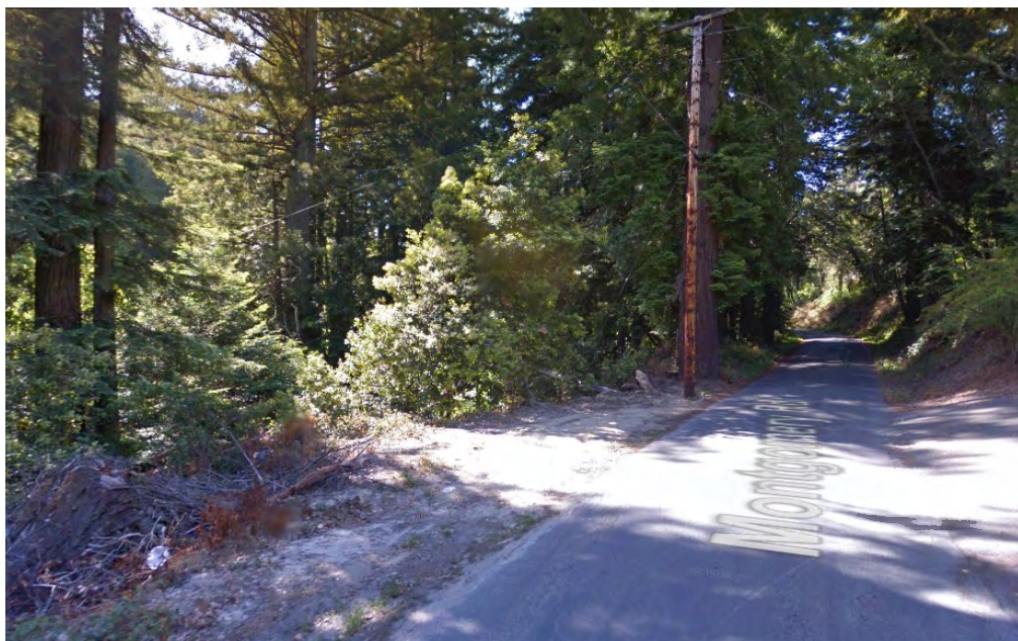
The project is not in an area designated as visually sensitive by the Sonoma County General Plan (i.e., Scenic Landscape Unit, Scenic Corridor, Community Separator). The nearest Scenic Corridor is Bodega Highway, approximately one mile to the south.

As shown on Figures 5 and 6, trees along Montgomery Road screen views of the project site. The site is not visible from a public viewpoint, and the project would therefore have no impact on a scenic vista.

Significance Level: No Impact



*Figure 5. Montgomery Road at Bodega Highway  
(Source: Google Maps)*



*Figure 6. Montgomery Road near project entrance,  
heading southeast toward Bodega Highway  
(Source: Google Maps)*

- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?**

Comment:

The project site is not visible from a state scenic highway. The nearest state scenic highways to the project site are Highway 116 from Highway 1 to the Sebastopol city limits, about 1.8 miles east of the project site, and Highway 12 from Danielli Avenue east of Santa Rosa to London Way in Agua Caliente.<sup>1</sup>

Significance Level: No Impact

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Comment:

The project site fronts Montgomery Road, and extends approximately 1,250 northeast of the road. There are rural properties on all sides of the project parcel, with a mixture of residential and agricultural structures, fields with crops, forested areas, and some orchards. Figure 7 shows the publicly accessible vantage point from Montgomery Road (at the project entrance). As discussed in section 1.a, the site is not visible from public viewpoints.



*Figure 7. Project Entrance (on Montgomery Road)  
(Source: Google Maps)*

<sup>1</sup>Caltrans, Scenic Highways, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed 12/5/19.

The proposed project is not subject to any area or specific plan and is consistent with the land use designation (Diverse Agriculture) and zoning (DA Diverse Agriculture District) for the site. The proposed project is located within a rural land use designation without a scenic protection.

Based on the County "Visual Assessment Guidelines,"<sup>2</sup> the site sensitivity of the project location would be considered "Moderate" because:

*"The site or portion thereof is within a rural land use designation, but the site has no land use or zoning designations protecting scenic resources. The project vicinity is characterized by rural development but may include historic resources. This category includes building or construction sites with visible slopes less than 30 percent or where there is significant natural features of aesthetic value that is visible from public roads or public use areas (i.e. parks, trails etc.)."*<sup>3</sup>

The project meets the "Moderate" description of the County "Visual assessment Guidelines," because the project proposes no new buildings, and neither the existing buildings nor the outdoor cultivation area would represent a visually distinctive or substantial change from the current project site. Based on County "Visual Assessment Guidelines," the project's visual dominance would be considered "Inevident" because:

*"Project is generally not visible from public view because of intervening natural land forms or vegetation."*<sup>4</sup>

The project's visual effect on the visual character or quality of the site and its surroundings was determined based on County "Visual Assessment Guidelines" Table 3 - Thresholds of Significance for Visual Impact Analysis<sup>5</sup>:

**Table 3**  
**Thresholds of Significance**  
**for**  
**Visual Impact Analysis**

Sensitivity	Visual Dominance			
	<i>Dominant</i>	<i>Co-Dominant</i>	<i>Subordinate</i>	<i>Inevident</i>

<sup>2</sup>Sonoma County Permit and Resources Management Department, "Visual Assessment Guidelines," (undated).

<sup>3</sup>Ibid., Table 1 - Site Sensitivity, page 3.

<sup>4</sup>Ibid., Table 2 - Visual Dominance, page 4.

<sup>5</sup>Ibid., Table 3 - Thresholds of Significance for Visual Impact Analysis, page 6.

<b>Maximum</b>	Significant	Significant	Significant	Less than significant
<b>High</b>	Significant	Significant	Less than significant	Less than significant
<b>Moderate</b>	Significant	Less than significant	Less than significant	Less than significant
<b>Low</b>	Less than significant	Less than significant	Less than significant	Less than significant

Considering the project site's "Moderate" sensitivity and the project's "Inevident" visual dominance, the project would have a less-than-significant effect on the existing visual character or quality of the site and its surroundings.

Significance Level: Less than Significant Impact

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime view in the area?**

Comment:

The proposed project would include security lighting that could introduce new sources of exterior light and possible glare. In addition, proposed indoor cultivation operations would include lighting. Security and safety lighting could affect nighttime views, which could be noticeable from nearby residences with unobstructed sight lines. However, the effects of these new sources of light or glare would be reduced due to compliance with the provisions of County Code Section 26-88-254(f)(19), which requires all lighting to be fully shielded and downward casting and to not spill over onto structures, other properties, or the night sky. As required by the County, all indoor operations must be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

Significance Level: Less than Significant Impact

## 2. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

### Would the project:

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

#### Comment:

The parcel is designated by the Sonoma County Permit Sonoma GIS Cannabis Site Evaluation Tool<sup>6</sup> as Farmland of Local Importance, and Other Land. The outdoor cultivation area is mainly in an area designated as Other Land, with a small part designated as Farmland of Local Importance. The proposed project would use the existing outdoor cultivation area and on-site structures, and does not propose construction of new structures other than the two water tanks, which would both be located on "Other Land."

Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses.

Significance Level: No Impact

- b) **Conflict with existing zoning for agricultural use, or Williamson Act Contract?**

#### Comment:

The project site is zoned Diverse Agriculture District, which allows for activities to protect a full range of agricultural uses and limit residential intrusion, where farming may not be the principal occupation of the farmer.<sup>7</sup> The project would be consistent with and would not

<sup>6</sup> Sonoma County Permit Sonoma GIS Site Evaluation Tool, <http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 10/16/19.

<sup>7</sup> Sonoma County General Plan 2020 Land Use Element, Policy for Diverse Agricultural Areas, page LU-65, <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542561>, accessed 12/5/19.

conflict with the Diverse Agricultural zoning classification because a commercial cannabis operation is a permitted use in a Diverse Agriculture District. The project site is not under a Williamson Act Contract.

Significance Level: No Impact

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**

Comment:

The project site is not in a Timberland Production zoning district as designated by the County, nor does the project propose rezoning of forest land.

Significance Level: No Impact

- d) Result in the loss of forest land or conversion of forest land to non-forest use?**

Comment:

As discussed in section 2.c, the project would not result in the loss of forest land or conversion of forest land to non-forest use.

Significance Level: No Impact

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?**

Comment:

As discussed in section 2.a, proposed project activities would mainly be located on land designated as Other Land, as shown on the Permit Sonoma GIS Cannabis Site Evaluation Tool,<sup>8</sup> although a portion of the project (approximately 0.2 acres) would be located on land designated as Farmland of Local Importance. These project activities on Farmland of Local Importance would utilize approximately two percent of the 10-acre parcel and would consist mainly of minor driveway access improvements conditioned by the County. All driveway improvements would take place within the existing driveway and would not expand into undisturbed land.

Significance Level: Less than Significant Impact

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<sup>8</sup> Sonoma County Permit Sonoma GIS Site Evaluation Tool, <http://sonomamap.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 12/5/19.

### 3. AIR QUALITY:

Would the project:

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

Comment:

The project is located in the part of Sonoma County served by the Bay Area Air Quality Management District, which has jurisdiction over the southern portion of the County. The Bay Area Air Quality Management District (BAAQMD) is currently designated as a nonattainment area for state and federal ozone standards, the state Particulate Matter (PM) 10 standard, and the state and federal PM 2.5 standard. BAAQMD has adopted an Ozone Attainment Plan and a Clean Air Plan in compliance with Federal and State Clean Air Acts. The proposed project would conflict with or obstruct implementation of an applicable air quality plan maintained by BAAQMD, as discussed below.

In April 2017, the BAAQMD adopted its *2017 Clean Air Plan: Spare the Air, Cool the Climate (Clean Air Plan)*, which provides the BAAQMD's framework for ensuring air quality standards would be attained and maintained in the Bay Area in compliance with state and federal requirements. The *2017 Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate. Specifically, the primary goals of the *2017 Clean Air Plan* are to:

- Attain all state and national quality standards;
- Eliminate disparities among Bay Area communities in cancer health risk from toxic area and contaminants; and
- Reduce Bay Area Greenhouse Gas (GHG) Emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050.

The *Clean Air Plan* includes increases in regional construction, area, mobile, and stationary source activities and operations in its emission inventories and plans for achieving attainment of air quality standards. Chapter 5 of the *Clean Air Plan* contains BAAQMD's strategy for achieving the plan's climate and air quality goals. This control strategy is the backbone of the *Clean Air Plan*. It identifies 85 distinct control measures designed to comply with state and federal air quality standards and planning requirements, protect public health by reducing emissions of ozone precursors, PM, and Toxic Air Contaminants (TACs), and reduce greenhouse gas emissions. The 85 control measures identified in the *Clean Air Plan* are grouped by nine economic-based "sectors": Agriculture, Buildings, Energy, Natural and Working Lands, Stationary Sources, Super GHGs, Transportation, Waste, and Water. Most of the 85 control measures are implemented at the local and regional level by municipal or County government and the BAAQMD and thus are not directly applicable to the proposed project.

The proposed project would not conflict with or obstruct implementation of the BAAQMD

*Clean Air Plan* because: 1) It does not include significant sources of ozone precursor emissions, PM, or TACs (see also discussion b) and c) below); 2) it would not exacerbate or increase disparities in cancer risks from TAC emissions; and 3) the project is required, pursuant to Sonoma County Code (Section 26-88-254(g)(3)), to provide electrical power through a combination of on-grid 100% renewable energy or an on-site zero net energy renewable energy system, or to purchase of carbon offsets for power obtained from non-renewable resources, which would reduce GHG emissions from the project consistent with state reduction goals (see also section 8, Greenhouse Gas Emissions).

Significance Level: Less than Significant Impact

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?**

Comment:

State and Federal standards have been established for the following “criteria pollutants”: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>). The pollutants NO<sub>x</sub> (nitrogen oxides) and reactive organic gases (ROG) form ozone in the atmosphere in the presence of sunlight. The principal source of ozone precursors is vehicle emissions, although stationary internal combustion engines are also considered a source.

BAAQMD’s *CEQA Air Quality Guidelines* (May 2017) contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. Consistent with BAAQMD’s guidance, if a project meets all the screening criteria, then the project would result in a less than significant air quality impact, and a detailed air quality assessment would not be required for the project.

The BAAQMD provides screening criteria in its report, *California Environmental Quality Act Air Quality Guidelines* (May 2017). Within the report, commercial cannabis cultivation is not a listed land use type in the BAAQMD screening criteria; however, a general comparison can be made to a similar land use. The “general light industry” category has a screening size of 541,000 square feet (or 1,249 employees) for operation criteria pollutants and a screening size of 259,000 square feet (or 540 employees) for construction-generated pollutants. The proposed project will be much smaller in scale and would be well below the emission thresholds for PM<sub>10</sub>, PM<sub>2.5</sub>, and ozone precursors.

Proposed project operations would consist of indoor and outdoor cultivation of cannabis, which would not generate criteria pollutants because the principal activity is growing plants. Employee vehicle use would be limited to daily trips to and from the site, occasional errands, movement of materials on the site, and extra trips during harvest. As discussed in section 17, Transportation, project traffic generation (14 average daily trips) would be small

compared to typical road usage in the area, and would not increase traffic volumes at the nearest affected intersection (Montgomery Road and Bodega Highway) above the BAAQMD screening criterion (more than 44,000 vehicles per hour). Even with the addition of temporary seasonal employees, the applicant anticipates to occasionally need to hire 12 part-time employees who will come in two vehicles on only two days out of the whole year. And as discussed in section 8.a, project greenhouse gas emission would be reduced through project use of 100 percent renewable energy sources. Based on these limited emissions-generating activities, and the relative scale of the land uses identified in BAAQMD's screening criteria table, the proposed use would be below BAAQMD significance thresholds and therefore project operations would have a less-than-significant air quality impact.

Project construction activities would be limited to two water tanks, conversion of an existing bathroom to an ADA-compliant bathroom, minor improvements to four hammerhead road turnarounds and minor improvements to driveway and the access road to comply with AASHTO. Any improvements to the driveway would be minor and would not disturb areas outside of the driveway. These activities would generate short-term equipment exhaust emissions from ground disturbance, construction equipment use, worker vehicle trips, and/or material deliveries associated with activities such as grading or related ground disturbance. However, construction related activities will be limited and would be short-term and not substantial due to the limited scope of modifications.

Short-term emission of dust (which would include PM<sub>2.5</sub> and PM<sub>10</sub>) during construction would be limited due to the relatively small scale of project construction activities and limited construction duration. These emissions would be reduced to a level of non-significance due to compliance with dust control measures required by County Code Section 11.14.120(A) for grading and construction activity.

Finally, the project would not have a cumulative effect on air quality because it would generate a small amount of traffic that would be lower than BAAQMD screening criteria, and emissions of ozone precursors (ROG and NOx) from project traffic would not result in a cumulative effect on ozone. The project therefore would not result in substantial emissions of ozone precursors (ROG and NOx) or other criteria pollutants. The project would also have no long-term effect on PM<sub>2.5</sub> and PM<sub>10</sub> because County Code Section 22.88.254 (g)(2) requires dust control measures for all ground disturbing activities for cannabis projects.

Compliance with these County-adopted development standards would ensure that project air pollutant and dust emissions would have a less than significant impact on the environment.

Significance Level: Less than Significant Impact

**c) Expose sensitive receptors to substantial pollutant concentrations?**

Comment:

Sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The project site is located in a rural area, and the nearest off-site residence is located approximately 150 feet from the proposed indoor cultivation activities and over 300 feet from the proposed outdoor cultivation area (in the northeastern part of the parcel). Based on the analysis in section 3.b, the proposed project does not include stationary, mobile, or other sources that would generate significant emissions. In addition, the proposed project would comply with the property setbacks contained in Section 26-88-254 of the County Code related to outdoor cultivation areas and indoor cultivation. Outdoor cultivation areas are required to be located at least 100 feet from property lines, 300 feet from occupied residences and businesses, and the parcel line must be 1,000 feet from schools, public parks, childcare centers, and alcohol and drug treatment facilities. Indoor cultivation is required to be located a minimum of 600 feet from K-12 schools. The less than significant nature of the project's emissions sources and the minimum required distance between the proposed facilities and any nearby sensitive receptors would ensure that project construction and operation would not result in substantial concentrations of criteria air pollutants or Toxic Air Contaminants (TACs) at sensitive receptor locations.

In addition, although short-term dust emissions could affect nearby residents and biological species present in the surrounding habitat or nearby riparian corridor during construction, these dust emissions would be reduced to less than significant through compliance with County adopted development standards, as described in section 4.b. As also discussed in section 4.b, project operations would not result in long-term increases in emissions.

Significance Level: Less than Significant Impact

**d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?**

Comment:

Although the proposed project type is not included in the BAAQMD CEQA Guidelines (Table 3-3, Odor Screening Distances), BAAQMD recommends a minimum one-mile screening distance for certain strong odor-producing project types (i.e., food processing facilities, feed lots and dairies, green water and recycling operations). However, BAAQMD does not intend these distance guidelines "as absolute screening criteria, rather as information to consider along with odor parameters" (BAAQMD Guidelines, p. 3-4).

According to the 2016 Negative Declaration for the Medical Cannabis Land Use Ordinance (p. 20), the project is considered an odor-generating use by Sonoma County, with the potential for *"a strong odor...during the final phase of the growing cycle (typically in late Summer, early Fall)."* The analysis in the 2016 Negative Declaration concluded that the required 300-foot setback to residences from outdoor grows would be adequate to reduce

odor emissions to a less than significant level as the odor dissipates with distance and the setbacks limit concentration to reduce the number of people potentially exposed to the odor.

Regardless, as discussed in the 2016 Negative Declaration, the County has determined that because the project is odor generating and within the minimum one-mile screening distance, *“a public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public”* (2016 ND, p. 20).

### **Construction Odors**

Construction equipment may generate odors during project construction; however, construction activities would be short-term, intermittent, and would cease upon completion of project construction. Compliance with County Code section 22.88.254 (g)(2) would reduce construction-related odor impacts to less than significant.

### **Indoor Cultivation, Indoor Propagation, and Indoor Processing Odors**

Cannabis cultivation and processing facilities are not listed as an odor-generating use in the BAAQMD *California Environmental Quality Act Air Quality Guidelines* (May 2017). However, cannabis odors can occur from such facilities if not properly managed. The project would be required to comply with the following Operating Standard for all commercial cannabis cultivation facilities and remain in compliance with the following County Zoning Code Section 26-88-254(g)(2):

*All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold (Sec. 26-88-254(g)(2).*

The project includes self-contained, closed-loop climate control system including carbon filters installed on ventilation systems in the buildings designed for indoor cultivation, indoor propagation and indoor processing activities. The County Ordinance operating standards 26-88-254(g)(1)(2) requires applicants to maintain odor control air filtration and ventilation systems within structures and requires periodic compliance inspections each year during regular business hours. The applicant has indicated that they will replace all carbon filters annually.

Implementation of odor controls and adherence to the County's Zoning Code is mandatory. When properly functioning within a sealed structure, the proposed indoor odor control system would contain all cannabis odors within the structures and ensure that no odor is detectable at any property boundary.

### **Outdoor Cultivation Odors**

Outdoor cultivation activities typically generate odors for an approximate 4-6 week period

while plants are flowering, generally starting in August or September and continuing until harvest in October. The cannabis ordinance establishes mandatory setback distances for outdoor cultivation sites (300 feet from residences and businesses and 1,000 feet from schools, parks, and other sensitive uses) to allow odors to dissipate. Generally, odors dissipate with the greater the distance from the source of the odor.

In addition to distance, landforms and vegetation provide buffers or windbreaks that can successfully reduce odors generated by agricultural activities including poultry and swine operations. The buffer/windbreak strategy is most effective when parcels are large (at least 10 acres) and land uses are far apart, maximizing the distance for odor dissipation. Odor plumes generally travel along the ground in the direction of the prevailing winds. Vegetative buffers deflect the odor plume above the vegetation layer, where the odor is then diffused into the atmosphere (USDA NRCS 2007). Additionally, odor-generating land uses that are in depressions experience odor deflection by natural topography. The proposed outdoor cultivation area is separated from adjoining properties by distance (setbacks), topographic formations such as elevations, existing mature vegetation, intervening structures and fencing. This combination of buffering elements will deflect odors upward where they are able to diffuse into the atmosphere and be further dispersed along the predominant wind direction. The prevailing wind direction during September-October is from the coast, west to east. The outdoor cultivation site is located 50 feet below the northern portion of the site, where three residences are located. This increase in elevation will assist in deflecting odor into the atmosphere much like vegetative buffers. Additionally, the northern portion of the site contains the residence and accessory structures. These structures will act as additional buffers, deflecting odor into the atmosphere where it is diffused.

There are no residences under the 300 feet setback of the proposed outdoor grow site. The approximate distance between the outdoor grow site and the nearest residence to the west is 308 feet away from the outdoor cultivation site. Two residences located to the south are 300 feet away from the outdoor cultivation site. One residence located to the east is 300 feet away from the outdoor cultivation site. Three residences located to the north are 430 feet, 500 feet and 570 feet respectively from the outdoor cultivation site. Although there are 3 residences located exactly on the 300 foot setback of the outdoor cultivation site, the Cannabis Ordinance states that outdoor cultivation “shall be setback a minimum of three hundred feet (300’) from residences on surrounding properties,” to assist in creating a distance for odor to dissipate. All residences are separated from the cultivation area by the cultivation site fencing and existing vegetation which includes large mature trees along the property boundary; all of which are expected to assist in deflecting and diffusing cannabis cultivation odors.

Due to a combination of contributing factors including: consistency with the Sonoma County Code; existing fencing and landscaping around the outdoor cannabis site; annual compliance inspections; mandatory installation and maintenance of a closed loop filtration system that prevents odors from leaving the site, cannabis odor impacts are not expected

to create objectionable odors affecting a substantial number of people.

Similarly, the outdoor grow area is separated from surrounding homes by distance, topography, and vegetation that combine to allow odors to dissipate from the outdoor cultivation area in a manner consistent with County Code requirements. Further, the outdoor cannabis cultivation generates odor for a limited duration (3-5 weeks or approximately 10% of the year) and for a limited frequency (once a year) consistent with odors that would be expected within an agricultural area.

Significance Level: Less than Significant Impact

## **4. BIOLOGICAL RESOURCES:**

### **Regulatory Framework**

The following discussion identifies federal, state, and local environmental regulations that serve to protect sensitive biological resources relevant to the California Environmental Quality Act (CEQA) review process.

#### Federal

##### ***Federal Endangered Species Act (FESA)***

FESA establishes a broad public and federal interest in identifying, protecting, and providing for the recovery of threatened or endangered species. The Secretary of Interior and the Secretary of Commerce are designated in FESA as responsible for identifying endangered and threatened species and their critical habitat, carrying out programs for the conservation of these species, and rendering opinions regarding the impact of proposed federal actions on listed species. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) are charged with implementing and enforcing the FESA. USFWS has authority over terrestrial and continental aquatic species, and NOAA Fisheries has authority over species that spend all or part of their life cycle at sea, such as salmonids.

Section 9 of FESA prohibits the unlawful “take” of any listed fish or wildlife species. Take, as defined by FESA, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such action.” USFWS’s regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR § 17.3). Take can be permitted under FESA pursuant to sections 7 and 10. Section 7 provides a process for take permits for federal projects or projects subject to a federal permit, and Section 10 provides a process for incidental take permits for projects without a federal nexus. FESA does not extend the take prohibition to federally listed plants on private land, other than prohibiting the removal, damage, or destruction of such species in violation of state law.

### ***The Migratory Bird Treaty Act of 1918 (MBTA)***

The U.S. Migratory Bird Treaty Act (MBTA) (16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof...” In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching.

### ***The Clean Water Act (CWA)***

The CWA is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board enforces Section 401.

**Section 404**

The Army Corps of Engineers (Corps) regulates “Waters of the United States”, including adjacent wetlands, under Section 404 of the federal Clean Water Act. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. Potential wetland areas are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act. Areas that are inundated for sufficient duration and depth to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as “other waters” and are often characterized by an ordinary high-water mark (OHWM). The discharge of dredged or fill material into a Waters of the U.S. (including wetlands) generally requires a permit from the Corps under Section 404 of the Clean Water Act.

“Waters of the State” are regulated by the Regional Water Quality Control Board (Water Board) under the State Porter-Cologne Water Quality Control Act. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the State. RWQCB jurisdiction includes “isolated” wetlands and waters that may not be regulated by the ACOE under Section 404 (such as roadside ditches).

**Section 401**

Section 401 of the Clean Water Act specifies that any activity subject to a permit issued by a federal agency must also obtain State Water Quality Certification (401 Certification) that the proposed activity will comply with state water quality standards. If a proposed project does not require a federal permit but does involve dredge or fill activities that may result in a discharge to Waters of the State, the Water Board has the option to regulate the dredge and fill activities under its state authority through its Waste Discharge Requirements (WDR) program.

**State*****California Endangered Species Act (CESA)***

Provisions of the California Endangered Species Act (CESA) protect state-listed threatened and endangered species. The California Department of Fish and Wildlife (CDFW) is charged with establishing a list of endangered and threatened species. CDFW regulates activities that may result in “take” of individuals (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Game Code (CFGC), but CDFW has interpreted “take” to include the killing of a member of a species which is the proximate result of habitat modification.

***Fish and Game Code 1600-1602***

Sections 1600-1607 of the California Fish and Game Code (CFGF) require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

***Nesting Birds***

Nesting birds, including raptors, are protected under California Fish and Game Code (CFGF) Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under CFGF Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under CFGF 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

***Non-Game Mammals***

Sections 4150-4155 of the California Fish and Game Code (CFGF) protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under the CFGF.

***California Fully Protected Species and Species of Special Concern***

The classification of “fully protected” was the California Department of Fish and Wildlife’s (CDFW’s) initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under the California Endangered Species Act (CESA) and/or Federal Endangered Species Act (FESA). The Fish and Game Code sections (fish at §5515, amphibians and reptiles at §5050, birds at §3503 and

§3511, and mammals at §4150 and §4700) dealing with “fully protected” species state that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with “fully protected” species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California Species of Special Concern (CSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or because they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

### ***Porter-Cologne Water Quality Control Act***

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, as it applies to both surface and ground water. Under this law, the State Water Resources Control Board develops statewide water quality plans, and the Regional Water Quality Control Boards (RWQCBs) develop basin plans that identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as “waters of the State,” include isolated waters that are not regulated by the U.S. Army Corps of Engineers (USACE). Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., dirt) to waters of the State must file a Report of Waste Discharge and receive either Waste Discharge Requirements (WDRs) or a waiver to WDRs before beginning the discharge.

Local***Sonoma County General Plan***

The *Sonoma County General Plan 2020* Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to, watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors.

***Riparian Corridor (RC) Combining District***

The Sonoma County Riparian Corridor (RC) combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation, and other riparian functions and values.

***Sonoma County Tree Protection Ordinance***

The Sonoma County Tree Protection Ordinance (Sonoma County Code of Ordinances, Chapter 26, Article 88, Sec. 26-88-010 [m]) establishes policies for protected tree species in Sonoma County. Protected trees are defined (Chapter 26, Article 02, Sec. 26- 02-140) as the following species: big leaf maple (*Acer macrophyllum*), black oak (*Quercus kelloggii*), blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizenii*), madrone (*Arbutus menziesii*), oracle oak (*Quercus morehus*), Oregon oak (*Quercus garryana*), redwood (*Sequoia sempervirens*), valley oak (*Quercus lobata*), California bay (*Umbellularia californica*), and their hybrids.

The applicant submitted a preliminary biological evaluation prepared by Wiemeyer Ecological Sciences, dated August 28, 2017, that addressed potential project impacts on special-status plant and animal species and habitats. Subsequently, a complete biological resource assessment was submitted, dated December 6, 2019, and prepared by O'Donnell Consulting. The December 6, 2019 biological assessment included searches of the California Natural Diversity Database (CNDDDB), the Spotted Owl Observations Database, the United States Fish and Wildlife Service (USFWS) Critical Habitat for Endangered and Threatened Species, and the California Native Plant Inventory of Rare and Endangered Plants.

**Would the project:**

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

Based on a site visit conducted on August 22, 2017 by Darren Wiemeyer, the preliminary biological evaluation concluded that site habitats “*consist of non-native annual grassland, brush scrub and orchard land.*”<sup>9</sup> The preliminary evaluation determined that native on-site trees could contain habitat for nesting birds but did not exhibit habitat necessary for roosting bats. The preliminary evaluation concluded that if trees needed to be removed, a tree mitigation plan would be needed, including provisions to ensure that trees would be removed outside of bird nesting season.

Based on a site visit conducted on December 4, 2019 by Tim O’Donnell, the non-native grassland areas were identified as primarily ruderal and/or short from mowing and winter dormancy, with Italian rye (*Festuca perennis*), wild oats (*Avena barbata*), and soft chess (*Bromus hordeaceus*). Forbs included English plantain (*Plantago lanceolata*), strawberry clover (*Trifolium fragiferum*), burr medic (*Medicago polymorpha*), and field bindweed (*Convolvulus arvensis*). The woodland areas included redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas fir (*Pseudotsuga macrocarpa*), bishop pine (*Pinus muricata*), and California bay (*Umbellularia californica*).

Wildlife or wildlife sign observed on or in the vicinity of the site during the December 4, 2019 site survey consisted of California quail (*Callipepla californica*), California scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), Eurasian collared dove (*Streptopelia decaocto*), and Botta’s pocket gopher (*Thomomys bottae*) burrows.

In addition, the O’Donnell assessment determined that the project site is not located within the vicinity of Critical Habitat for federally listed animal and plant species.

The Results of the CNDDDB search indicated that State- and/or federal-listed Plant species occur in the vicinity of the project site, including: Pitkin Marsh lily (*Lilium pardalinum* ssp. *pitkinesense*), Federal Endangered/ State Endangered; Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*), Federal Endangered. Due to lack of suitable habitat, none of these species would occur on the project site.

The Results of the CNDDDB search indicated that State- and/or federal-listed Animal species occur in the vicinity of the project site, including: California freshwater shrimp (*Syncaris pacifica*), Federal Endangered/ State Endangered; and tricolored blackbird (*Agelaius*

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<sup>9</sup> Wiemeyer Ecological Sciences, “Preliminary Biological Evaluation Letter, 885 Montgomery Road, Sebastopol, CA,” August 28, 2017.

*tricolor*), State Threatened. Due to lack of suitable habitat, none of these species would occur on the project site.

Also, golden larkspur (*Delphinium luteum*), Federal Endangered, which is associated with north-facing rocky slopes in chaparral or coastal scrub communities, and Sonoma spineflower (*Chorizanthe valida*), Federal Endangered/State Endangered, which is associated with sandy soil on coastal prairie, would not be present on-site due to the lack of suitable habitat.

Construction impacts that may result from project development would be limited to the construction of two water tanks, conversion of an existing bathroom to an ADA-compliant bathroom, minor improvements to the four hammerhead road turnarounds and minor access road/driveway improvements that would occur within the existing pre-disturbed driveway and would not result in the removal of existing trees, vegetation or habitat. Staff performed a site visit and determined that any driveway improvements would be of small scale (compliance with AASHTO) and all improvements would consist within the driveway itself. Both biological assessments determined that because the site is currently disturbed, this limited ground disturbance would not be expected to have a significant impact on biological resources. However, because potential inadvertent destruction or disturbance of nesting birds on and near the project site could occur as a result of construction-related ground level vegetation removal and site disturbance, the following mitigation measure shall be taken to reduce potential project impacts to a less-than-significant level.

Significance Level: Less than Significant with Mitigation

Mitigation:

**Mitigation Measure BIO-1: Nesting Birds**

The following measures shall be taken to avoid potential inadvertent destruction or disturbance of nesting birds (including oak titmouse and spotted towhee) on and near the project site as a result of construction-related vegetation removal and site disturbance:

(a) To avoid impacts to nesting birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season (generally prior to February 1 or after August 31). Active nesting is present if a bird is sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest.

(b) If construction-related activities are scheduled to occur during the nesting season (generally February 1 through August 31), a qualified biologist shall conduct a habitat assessment and preconstruction nesting survey for nesting bird species no more than seven (7) days prior to initiation of work. The qualified biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures of birds known to nest in the project site. Surveys shall be conducted at the appropriate times of day during periods of

peak activity (e.g., early morning or dusk) and shall be of sufficient duration to observe movement patterns. Surveys shall be conducted within the Project area and 250 feet of the construction limits for nesting non-raptors and 1,000 feet for nesting raptors, as feasible. If the survey area is found to be absent of nesting birds, no further mitigation would be required. However, if project activities are delayed by more than seven (7) days, an additional nesting bird survey shall be performed.

(c) If pre-construction nesting bird surveys result in the location of active nests, no site disturbance (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests. Monitoring by a qualified biologist shall be required to ensure compliance with the relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented. Active nests found inside the limits of the buffer zones or nests within the vicinity of the project site showing signs of distress from Project activity, as determined by the qualified biologist, shall be monitored daily during the duration of the Project for changes in breeding behavior. If changes in behavior are observed (e.g., distress, disruptions), the buffer shall be immediately adjusted by the qualified biologist until no further interruptions to breeding behavior are detected. The nest protection buffers may be reduced if the qualified biologist determines in coordination with the California Department of Fish and Wildlife (CDFW) that construction activities would not be likely to adversely affect the nest. If buffers are reduced, twice weekly monitoring may need to be conducted to confirm that construction activity is not resulting in detectable adverse effects on nesting birds or their young. The qualified biologist and CDFW may agree upon an alternative monitoring schedule depending on the construction activity, season, and species potentially subject to impact. Construction shall not commence within the prescribed buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use. A report of the findings shall be prepared by a qualified biologist and submitted to the County prior to the initiation of construction-related activities that have the potential to disturb any active nests during the nesting season.

Mitigation Monitoring:

**Mitigation Monitoring BIO-1:** Prior to issuance of any demolition or grading permit(s), Permit Sonoma shall review and approve the results of all pre-construction surveys and any measures recommended by the biologist to avoid sensitive species, which shall be noted on the final project plans.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Comment:

Riparian habitat typically includes woody vegetation that grows along the margins of water features. No riparian habitat was observed on the project site; however, the western parcel border is in a Riparian Corridor (RC 100/50). Project cultivation areas (indoor and outdoor) would be a minimum of 550 feet from the riparian corridor. Modifications to the project driveway and access road, as conditioned by the Sonoma County Traffic and Public Works and Department of Fire, would not result in disturbance of vegetation near the protected riparian habitat. Any minor roadway improvements would not result in the removal of vegetation or habitat because all construction related activities would occur within the existing paved driveway.

Additional protections are in place regardless of whether or not construction would result in a disturbance of vegetation. Cannabis cultivators who apply for an annual license from the State (e.g., California Department of Food and Agriculture) are required to have a Lake and Streambed Alteration (LSA) Agreement or written verification from the California Department of Fish and Wildlife (CDFW) that one is not needed. This process would also require consultation with North Coast Regional Water Quality Control Board staff to ensure appropriate permit coverage (i.e., 401 Water Quality Certification). In addition, County Code Chapter 11 (Construction Grading and Drainage Ordinance) requires that water quality standards and erosion control measures would be maintained. These mandated requirements include performance standards related to proper erosion control and other water quality Best Management Practices (BMPs), including (but not limited to) locating the staging, maintenance, fueling, and storage areas for construction equipment and conducting construction activities in a manner that prevents potential runoff of petroleum products into the adjacent streambed; using oil-absorbent and spill containment materials on the construction site during construction and construction-related activities; training all construction workers on the proper use and location of the oil-absorbent and spill-containment materials; and prohibiting removal of trees or riparian vegetation for any construction activities without a permit.

Project compliance with these standard State and County requirements would ensure that effects of driveway and access road lot improvements on vegetation near the protected riparian habitat would be less than significant.

Significance Level: Less than Significant Impact

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Comment:

Soils on the site are mapped as Goldridge fine sandy loam, 9 to 15 slopes and 30 to 50 percent slopes, eroded. The Biotic Assessment performed for the parcel on December 6, 2019 stated, *"No potentially jurisdictional water features subject to regulation under the*

*Clean Water Act or riparian habitat were observed on the project site.*<sup>10</sup> Therefore, the proposed project would not impact wetland features on the site.

Significance Level: Less than Significant Impact

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Comment:

Many common bird species (including their eggs and young) are given special protection under the Migratory Bird Treaty Act of 1918 (Migratory Bird Act). Although the project does not propose to remove any trees, as discussed in section 4.a, potential inadvertent destruction or disturbance of nesting birds on and near the project site could occur as a result of construction activities.

Significance Level: Less than Significant with Mitigation Incorporated

Mitigation:

**Mitigation Measures BIO-1**

Mitigation Monitoring:

**Mitigation Monitoring BIO-1**

- e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?**

Comment:

**Sonoma County General Plan**

The *Sonoma County General Plan 2020* (Sonoma County 2008) Land Use Element and Open Space & Resource Conservation Element both contain policies to protect natural resource lands including, but not limited to watershed, fish and wildlife habitat, biotic areas, and habitat connectivity corridors. Policy OSRC-8b establishes streamside conservation areas along designated riparian corridors.

**Riparian Corridor Combining District**

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and

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<sup>10</sup> O'Donnell Consulting, "Biotic Assessment for Misty Mountains Projects at 885 Montgomery Road, Sebastopol, CA," December 6, 2019.

enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

**Tree Protection Ordinance**

Chapter 26, Article 88, Sec. 26-08-010 (m) of the Sonoma County Code contains a tree protection ordinance (Sonoma County 2013). The ordinance designates 'protected' trees as well as provides mitigation standards for impacts to protected trees. This ordinance is used as a guide for determining impacts and appropriate mitigation measures.

**Sonoma County Code****Chapter 11, Grading Ordinance**

Section 11.14.070 – Removal of trees and other vegetation:

Construction grading and drainage shall not remove or disturb trees and other vegetation except in compliance with the department's best management practices for construction grading and drainage and the approved plans and specifications. Construction grading and drainage shall be conducted in compliance with the following requirements.

A. The limits of work-related ground disturbance shall be clearly identified and delineated on the approved plans and specifications and defined and marked on the site to prevent damage to surrounding trees and other vegetation.

B. Trees and other vegetation within the limits of work-related ground disturbance that are to be retained shall be identified and protected from damage by marking, fencing, or other measures.

**Comment:**

As discussed in sections 4.a and 4.b, project cultivation activities do not involve areas containing sensitive habitat or biological resources, nor does the project propose to remove any trees. All driveway and road improvements as conditioned by the Department of Transportation and Public Works and Fire Department would be minor in nature, take place only on the existing driveways footprint, and would not result in the removal of any existing vegetation. Additionally, any potential grading required for roadway improvements would be subject to a grading permit which requires implementation of BMPs.

**Significance Level:** Less than Significant Impact

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Comment:

Habitat Conservation Plans and natural community conservation plans are site-specific plans to address effects on sensitive species of plants and animals. The project site is not located in an area subject to a habitat conservation plan or natural community conservation plan. In addition, the project is not located in the Santa Rosa Plain Conservation Area.

Significance Level: No Impact

**5. CULTURAL RESOURCES:**

**Would the project:**

**a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

Comment:

The project parcel currently has 10 existing structures. Those structures are, 1) A Single-Family Dwelling, 2) 3 Garages, 3) A Granny Unit, 4) A Pool Pump room, 4) A Storage Room, 6) A Carport, 7) A Teahouse, 8) A Barn. The proposed project consists of legalizing an existing outdoor and indoor cultivation, propagation, and processing operation. The outdoor cultivation portion of the project would not affect any existing structures. The indoor cultivation, propagation and processing operations are already existing and would not cause substantial adverse change to the building structure or building footprint. The applicant does not propose any major structural changes to any of the buildings on the parcel.

Additionally, these structures are typical residential outbuildings for parcels zoned Diverse Agriculture. Surrounding parcels contain agricultural barns, single family-residences, carports, and other similar structures. While these structures could potentially be older than 45 years, they are not a historical resource because they are common, typical buildings on parcels in this area.

Significance Level: Less than Significant Impact

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

Comment:

On January 17, 2018, the County referred the project application to the NWIC. As described

by the NWIC, the proposed project is in an area of moderate archaeological sensitivity. The project proposes to utilize an above ground, outdoor planting method by placing the cannabis plants in cloth pots which will be placed in existing terraced planting areas. The indoor cultivation, propagation and processing operations are in existing structures that will not be expanded or have the building footprint changed. The installation of the two-water storage tanks will be placed directly adjacent to existing structures, within the building footprint for better rainwater catchment ability. The water storage tank next to the barn will be placed on a previously graded and compacted dirt access road. The applicant has proposed to construct/improve 4 hammerhead turnarounds (as determined necessary by the County). The hammerhead turnarounds would be graded on the existing access road. Any grading performed for the turnarounds and any grading done for the water storage tanks would be minimal and would take place on previously disturbed soils. Any improvements to the private driveway and roadways would take place on the existing roads and would not disturb new soil. All project activities will occur in previously disturbed areas. Additionally, Sonoma County Code has sections which apply to all projects that have a construction or ground disturbing element.

Sonoma County Code Section 11.14.050 requires projects to halt all work in the vicinity of where human remains or archaeological resources are discovered during construction grading and drainage and to perform the following prior to resumption of work:

*“A. Human remains. If human remains or suspected human remains are discovered, the permittee shall notify the county coroner and comply with all state law requirements, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, to ensure proper disposition of the human remains or suspected human remains, including those identified to be Native American remains.”*

*“B. Archaeological resources. If archaeological resources or suspected archaeological resources are discovered, the director shall notify the State Historic Preservation Officer and the Northwest Information Center at Sonoma State University, and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. All costs associated with the evaluation and mitigation of the find shall be the responsibility of the permittee. The director shall provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The director may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. The need for confidentiality of information concerning the archaeological resources or suspected archaeological resources shall be recognized by all parties. For the purposes of this section, archaeological resources include historic or prehistoric ruins, burial grounds, pottery,*

*arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains."*

In addition, County Code Section 26-88-254(14) also requires the following for commercial cannabis cultivation projects:

*"Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards. Sites located within a historic district shall be subject to review by the landmarks commission, unless otherwise exempt, consistent with Section 26-68-020 and shall be required to obtain a use permit. Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities, water, waste water, or drainage systems shall be subject to design standards and referral to the Northwest Information Center and local tribes. A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.*

*"The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:*

*"If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.*

*"Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.*

*"If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are*

*determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within twenty-four (24) hours of this identification."*

Project compliance with these County Code standards would protect human remains and archaeological resources during grading and construction activities. Compliance with County Code Standards would ensure that the impact of uncovering cultural resources during construction would be less than significant.

Significance Level: Less than Significant Impact.

**c) Disturb any human remains, including those interred outside of dedicated cemeteries?**

Comment:

The project site would require limited grading and construction activities, which could uncover undocumented materials. Sonoma County Code provides procedures for protection of human remains, including notifying the county coroner and complying with all state law requirements (Health and Safety Code section 7050.5 and Public Resources Code section 5097.98) to ensure proper disposition of the human remains or suspected human remains, including those identified to be Native American remains. Implementation of this standard County policy would ensure that this impact would be less than significant.

As required by State law and County Code, if human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify PRMD and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated, and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.

Significance Level: Less than Significant Impact

## **6. ENERGY**

**Would the project:**

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Comment:

Long-term energy demand would result from employees working on the project site and from employee vehicle trips. The proposed cannabis operation would result in energy usage from electricity for lighting, odor-reducing fans, and the security system (e.g., alarm, lights, cameras). The parcel is currently cultivating cannabis both outdoor and indoor. The existing operation is currently using energy to power electricity for lighting, odor-reducing fans, and

the security system (e.g., alarm, lights.)

Operation of the proposed project would not increase energy usage relative to existing site conditions because the project is currently operating and using energy. The proposed project involves the permitting of a cannabis operation that will not expand in size. Additionally, project energy use would not represent a substantial increase, nor would it be wasteful or inefficient because the applicant proposes to purchase 100% renewable power from EverGreen-Sonoma Clean power.

Commercial cannabis cultivation projects are required to comply with County Code Section 26-88-254(g) (3), which requires that electrical power for indoor cultivation, mixed light operations, and processing shall be provided by any combination of (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

Because the project is currently operating and will not expand or require the need for more energy and will use renewable power, project impacts related to wasteful, inefficient, or unnecessary energy resources would be less than significant.

Significance Level: Less than Significant Impact

**b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Comment:

The proposed project would be required to comply with Sonoma County Ordinance 7D2-1, which pertains to energy efficiency, and Title 24, Part 6 of the California Code of Regulations, Building Energy Efficiency Standards.

Significance Level: Less than Significant Impact

## **7. GEOLOGY AND SOILS**

**Would the project:**

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or**

**based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Comment:

The project is not within a fault hazard zone, as defined by the Alquist-Priolo fault maps.<sup>11</sup> The closest known fault is the Rodgers Creek fault located approximately 10 miles east of the project site.

Significance Level: Less than Significant Impact

**ii. Strong seismic ground shaking?**

Comment:

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. The expected relative intensity of ground shaking and damage from anticipated future earthquakes in the project area is categorized as 'Very Strong' according to Figure PS-1a (Earthquake Ground Shaking Hazard Areas) in the General Plan Public Safety Element.<sup>12</sup> By applying geotechnical evaluation techniques and appropriate engineering practices, potential injury and damage from seismic activity can be diminished, thereby exposing fewer people and less property to the effects of a major damaging earthquake. The design and construction of new structures are subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking and foundation type. Project conditions of approval require that building permits be obtained for all construction and that the project meet all standard seismic and soil test/compaction requirements. As a condition of project approval, the existing structures proposed to be used by the project would be required to comply with County building code standards. The project would therefore not expose people to substantial risk of injury from seismic shaking.

Significance Level: Less than Significant Impact

**iii. Seismic-related ground failure, including liquefaction?**

Comment:

Strong ground shaking can result in liquefaction, the sudden loss of shear strength in saturated sandy material, resulting in ground failure. Areas of Sonoma County most at risk of liquefaction are along San Pablo Bay and in alluvial valleys. The project site is not located

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<sup>11</sup> California Department of Conservation, Earthquake Zones of Required Investigation, <https://maps.conservation.ca.gov/cgs/EQZApp/app/>, accessed 10/18/19.

<sup>12</sup> Sonoma County General Plan 2020, Public Safety Element, Figure PS-1a, Earthquake Ground Shaking Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Earthquake-Ground-Shaking-Hazard-Areas/>, accessed 10/18/19.

within a liquefaction hazard area according to the Sonoma County General Plan 2020 Public Safety Element.<sup>13</sup> According to the Sonoma County GIS tool, the parcel is located within a “Very Low Susceptibility” liquefaction hazard area.

Significance Level: Less than Significant Impact

**iv. Landslides?**

Comment:

Steep slopes characterize much of Sonoma County, particularly the northern and eastern portion of the County. Where these areas are underlain by weak or unconsolidated earth materials, landslides are a hazard. The project would not be located in an area highly susceptible to landslides, according to the General Plan Public Safety Element, Figure PS-1d.<sup>14</sup> In addition, the proposed project does not include any building or grading that could destabilize slopes or result in slope failure. Although the project site is located on a slope averaging 12 percent, the only new structures proposed are the two water tanks. The outdoor cultivation area would be located on previously graded terraces (currently in use for the unpermitted cannabis operation). As discussed in the project description, grading would be limited (approximately 235 cubic yards) and would only be necessary for the two water tanks. The design and construction of all new structures (e.g., water tanks) would be subject to engineering standards of the California Building Code (CBC) and County building standards, which would ensure that potential landslide impacts are less than significant.

Significance Level: Less than Significant Impact

**b) Result in substantial soil erosion or the loss of topsoil?**

Comment:

The project is proposing to use existing structures for indoor. Ground-disturbing construction activities would be required for construction of the two water tanks, minor improvements to the hammerhead turnarounds. Minor improvements to the existing driveway and access road as conditioned by DTPW and Fire would be small scale in nature and would not reduce topsoil as the road is already paved and in good condition. Additionally, DTPW and the Department of Fire reviewed the project and did not request major roadway improvements that would impact topsoil. As discussed in section 10, Hydrology and Water quality, the project would be required to comply with County erosion and sediment control provisions (County Code Chapter 7 and Chapter 11) that require

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<sup>13</sup> Sonoma County General Plan 2020, Public Safety Element, Figure PS-1c, Liquefaction Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Liquefaction-Hazard-Areas/>, accessed 10/18/19.

<sup>14</sup> Sonoma County General Plan 2020, Public Safety Element, Figure PS-1d, Deep-Seated Landslide Hazard Areas, <http://sonomacounty.ca.gov/WorkArea/DownloadAsset.aspx?id=2147542632>, accessed 10/18/19.

implementation of best management practices to reduce runoff. Required inspection by Permit Sonoma staff would ensure that all grading and erosion control measures would be constructed according to the approved plans. Compliance with these County Code standards would ensure that soil erosion and topsoil loss impacts are less than significant.

Significance Level: Less than Significant Impact

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Comment:

The project site is subject to seismic shaking and other geologic hazards as described in section 7.a.ii, iii, and iv. However, the project site is not in a landslide prone area or an area subject to a high potential for liquefaction. The design and construction of all new structures (e.g., water tanks) would be subject to engineering standards of the California Building Code (CBC), which take into account soil properties, seismic shaking, and foundation type. Project conditions of approval require that building permits be obtained for all construction, that the project meet all standard seismic and soil test/compaction requirements, and that all existing structures proposed for use by the project be in compliance with County and State building standards. The project would therefore not expose people to substantial risk of injury from seismic shaking.

Significance Level: Less than Significant Impact

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Comment:

Table 18-1-B of the Uniform Building Code is an index of the relative expansive characteristics of soil as determined through laboratory testing. Project site soils are mapped as Goldridge sandy loam, however, for the proposed project, soils at the site have not been tested for their expansive characteristics. The project would be required to comply with standard Building Code requirements, which would ensure that potential soil expansion at the proposed project, if expansive soils are found on-site, would be mediated through professional engineering design and practice; therefore risks from expansive soils would be less than significant.

Significance Level: Less than Significant Impact

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Comment:

The project site is not in an area served by public sewer. Two existing septic systems serve the property and would continue to provide waste water disposal to the site and project.

Significance Level: Less than Significant Impact

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Comment:

Results of the on-line paleontological resources record search through the University of California Museum of Paleontology (UCMP) database indicate that there are no known vertebrate fossil localities or unique geological features that have been previously identified on the project parcel or nearby.<sup>15</sup>

An examination of the Geological Map of California indicates that the area around the project consists of surface sediments composed of upper Pliocene marine deposits; the underlying structure is the Wilson Grove Formation, which overlies the Franciscan Formation.<sup>16</sup> The nearest recorded fossil sites are about a half-mile from the project site.<sup>17</sup> As discussed in section 5.b, Cultural Resources, Sonoma County Code Section 26-88-254(f) provides standard procedures for protection of paleontological resources encountered during ground-disturbing work at the project location:

*"The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:*

*"If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.*

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<sup>15</sup>UCMP Specimen Search, University of California Museum of Paleontology, <https://ucmp.berkeley.edu/>, accessed 11/1/19.

<sup>16</sup> Olaf P. Jenkins (1963, Second Printing 1967). Geological Map of California: Santa Rosa Sheet. Compilation by James B. Koenig. Electronically Available at: [ftp://ftp.conservation.ca.gov/pub/dmg/...Santa\\_Rosa/GAM\\_022\\_Map\\_1963.pdf](ftp://ftp.conservation.ca.gov/pub/dmg/...Santa_Rosa/GAM_022_Map_1963.pdf)

<sup>17</sup>Charles L. Powell II, et al., "Invertebrate Paleontology of the Wilson Grove Formation (Late Miocene to late Pliocene), Sonoma and Marin Counties, California, with Some Observations on Its Stratigraphy, Thickness, and Structure," USGS Open-file Report 2004-1017, Plate 1.

*“Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.”*

Implementation of this standard County policy would ensure that this impact would be less than significant.

Significance Level: Less than Significant Impact

## **8. GREENHOUSE GAS EMISSIONS:**

**Would the project:**

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Comment:

The Bay Area Air Quality Management District (BAAQMD) has recommended greenhouse gas significance thresholds that can be applied to Sonoma County<sup>18</sup> which are supported by substantial evidence. For projects other than stationary sources, the greenhouse gas significance threshold is 1,100 metric tons per year of CO<sub>2</sub>e or 4.6 metric tons of CO<sub>2</sub>e per service population (residents and employees) per year.

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust (worker trips and supply deliveries). There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal.

Energy usage for the project is expected to be minimal because the majority of the cultivation areas would be outdoor; indoor cultivation activities would be powered by 100% renewable energy from the purchase of power from EverGreen-Sonoma, which is rated at

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<sup>18</sup> BAAQMD's staff analysis is found in the document titled "Revised Draft Options and Justification Report, October, 2009," which is a publicly available document that can be obtained from the BAAQMD website or from the County.

57lbs of CO<sub>2</sub> per Mega Watt Hour (MGH). The project would require a limited amount of construction and grading, which would only occur for modifications to existing structures as required to bring them into compliance with Sonoma County building regulations, construction of two water tanks, minor improvement to the four hammerhead turnarounds, and minor modifications to the driveway and access roads. Construction-related GHG emissions would be limited and temporary and would therefore not be substantial.

For operations, the largest GHG emissions sources would be associated with vehicle trips. However, as discussed in section 17, Transportation, the project anticipates 14 average daily trips during operations. Although some cannabis cultivation facilities can involve the use of energy intensive lights, fans, and other equipment 24 hours per day to control environmental conditions and provide ideal growing conditions, the proposed project would have limited indoor cultivation, and would therefore require less energy than a larger indoor operation. Cannabis cultivation can also use a lot of water, but as described in section 10, Hydrology and Water Quality, the project would include a “net zero” water plan that would collect stormwater and re-purpose it for irrigation uses, thereby reducing overall energy use related to water consumption. The project proposes use of solar power for the water tank pumps. For the outdoor cultivation areas, water would be conserved through use of drip irrigation and would not change the significance conclusion pertaining to GHG emissions. The small amount of equipment and vehicles used for construction, cultivation, maintenance, and vehicle traffic associated with employees would not exceed Bay Area Air Quality Management thresholds. Therefore, project activities would result in a less-than-significant GHG impact.

Significance Level: Less than Significant Impact

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Comment:

The County has adopted a Climate Change Action Resolution (May 8, 2018) which resolved to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050” and noted twenty strategies for reducing GHG emissions, including increasing carbon sequestration, increasing renewable energy use, and reducing emissions from the consumption of good and services. The County’s resolution demonstrates commitment to working towards the RCPA’s countywide greenhouse gas (GHG) emissions reduction targets: 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050.

The project is proposing to incorporate the following goals which meet the County’s resolution:

- Increase renewable energy use
- Reduce water consumption

- Increase recycled water and graywater use

By implementing current County codes, the proposed project would be consistent with local or state plans, policies, or regulations adopted for the purpose of reducing emissions of greenhouse gases.

As discussed in the 2016 Negative Declaration for the Medical Cannabis Land Use Ordinance (2016 ND, pp. 28-29), the County has established the following standard related to GHG emissions that applies to the proposed project:

*“Cultivation sites shall be designed to maximize potential for on-site renewable energy use including consideration of geothermal, solar, wind and cogeneration systems. Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources. The use of generators as a primary source of power shall be prohibited.”*

This standard, which the County would require of the project as a condition of approval, would promote additional reductions in project GHG emissions. In addition, as noted above, Section 26-88-254 of the County Code also includes the following operating standard related to energy use:

*“(g)(3) Electrical power for indoor cultivation and mixed light operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by any combination of the following: (i) on-grid power with 100% renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.”*

As discussed in section 8.a, the project proposes to obtain its power from EverGreen-Sonoma Clean Power, which obtains power from renewable sources and would therefore meet this standard. Based on project compliance with County regulations related to GHGs, the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Significance Level: Less than Significant Impact

## 9. HAZARDS AND HAZARDOUS MATERIALS:

Would the project:

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Comment:

Operation of the project, as well as ongoing maintenance activities over time, may involve the intermittent transport, storage, use, and disposal of potentially hazardous materials, including fuels and other materials commonly used for maintenance. In addition, plant nutrients, fertilizers, and approved pesticides and/or chemicals would be used during the cultivation and processing operation. Project use of any and all hazardous materials that may be generated, stored, transported, used, or disposed of would be subject to applicable local, State, and federal regulations.

In addition, the project would be required to comply with the hazardous materials operating standards for cannabis cultivation set forth in Section 26-88-254 (g) (4) of the County Code and would also need to maintain any applicable permits required by Sonoma County Fire and the Emergency Services Department of the Agriculture Commissioner.

Construction of project driveway and access road improvements, hammerhead road turnarounds, and water tanks, and conversion of the bathroom to an ADA-compliance bathroom, may involve short-term transport, storage, and use of hazardous materials, but would not require routine or ongoing transport, use, or disposal of hazardous materials beyond periodic maintenance needs. These normal activities would also be subject to applicable local, State, and federal regulations.

With existing General Plan policies and federal, State, and local regulations and oversight of hazardous materials, and project compliance with County Code standards, the potential threat to public health and safety or the environment from hazardous materials transport, use or disposal would represent a less-than-significant impact.

Significance Level: Less than Significant Impact

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Comment:

The proposed project would not include use of major construction-related hazardous materials. The project proposes to use organic pesticides, herbicides, and/or fungicides and would maintain a plan for appropriate use and disposal of these materials, subject to review by County Fire. As discussed in section 9.a, with existing General Plan policies and federal, State, and local regulations, oversight of hazardous materials, and project compliance with County Code standards, the potential threat to public health and safety or the environment

from accidental release of hazardous materials into the environment would be less-than-significant.

Significance Level: Less than Significant Impact

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Comment:

No existing or proposed schools are located within one-quarter mile of the project site. The nearest school is Apple Blossom Elementary School, located at 700 Watertrough Road, Sebastopol, about 1.6 miles southwest of the project site. Therefore, there would be no impact.

Significance Level: No Impact

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Comment:

There are no known hazardous material sites within or adjacent to the project limits, based on review of the following databases on November 20, 2019.

1. The State Water Resources Control Board GeoTracker database,<sup>19</sup>
2. The Department of Toxic Substances Control EnviroStor database (formerly known as Calsites),<sup>20</sup> and
3. The California Integrated Waste Management Board Solid Waste Information System (SWIS).<sup>21</sup>

Further, the project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.<sup>22</sup>

Significance Level: No Impact

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<sup>19</sup> State Water Resources Control Board GeoTracker Database, <http://geotracker.waterboards.ca.gov/>, accessed on 11/20/19.

<sup>20</sup> The Department of Toxic Substances Control EnviroStor Database, <http://www.envirostor.dtsc.ca.gov/public/>, accessed on 11/20/19.

<sup>21</sup> The California Integrated Waste Management Board of Solid Waste Information System (SWIS), <http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>, accessed on 11/20/19.

<sup>22</sup> California Environmental Protection Agency, Cortese List Data Resources, <http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm>, accessed on 11/20/19.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

Comment:

The site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan. The Charles M. Schulz Sonoma County Airport is located approximately 7 miles northeast of the project site.

Significance Level: No Impact

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

Comment:

The project would not impair implementation of, or physically interfere with, the County's adopted emergency operations plan. There is no separate emergency evacuation plan for the County. Given the minimal traffic associated with the project (estimated 2-3 full time employees with a trip generation of 14 ADT), the project would not result in a significant change in existing circulation patterns and would have no measurable effect on emergency response routes.

Significance Level: No Impact

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

Comment:

According to the Wildland Fire Hazard Areas mapping (Figure PS-1g) of the Sonoma County General Plan 2020,<sup>23</sup> the western part of the project site is located in a moderate fire hazard zone; the remainder of the site is located in a zone classified as Non-Wildland/Non-Urban.<sup>24</sup> The project is located in an area with rural residential properties intermixed with cultivated and fallow fields and wooded areas (primarily along riparian corridors).

The project parcel has an average slope of 12 percent, and most of the existing structures are located at the top of the hill. The area is characterized by rolling hills with intervening

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<sup>23</sup> Sonoma County General Plan 2020, Public Safety Element, Wildland Fire Hazard Areas, Figure PS-1g, <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Wildland-Fire-Hazard-Areas/>, accessed 11/20/19.

<sup>24</sup> Sonoma County GIS Cannabis Site Evaluation, <https://sonomacounty.maps.arcgis.com/apps/webappviewer/index.html?id=0b784d90045941798d780f288b6f7003>, accessed 11/20/19.

valley and broader flat areas. Although the project site is not in a Wildland Urban Interface Area, it would be required to comply with the Sonoma County Fire Safety Ordinance (County Code Chapter 13), California Building Code, and California Fire Code, which would reduce fire risks on people and structures.

As part of the County's planning referral process, the Fire Services Division within Permit Sonoma responded with a comment letter to Permit Sonoma on March 13, 2018. The comment letter included multiple conditions of approval that the applicant would need to comply with, addressing the following areas:

- Operation and construction permit
- Fire protection planning
- Access
- Water Supply

As a standard condition of approval, construction on the project site would be required to comply with Sonoma County Code Chapter 13 ("Sonoma County Fire Safety Ordinance," Ordinance No. 6184), including but not limited to fire sprinklers, emergency vehicle access, and water supply making the impact from risk of wildfire less than significant. The Fire Services Division did not require any standard conditions relating to vegetation management because the project is located in a Local Responsibility Area (LRA).

In addition, County Code Section 26-88-254 (f) (16) requires that the applicant prepare and implement a fire prevention plan for construction and ongoing operations, including provision for emergency vehicle access and turn-around, vegetation management, and fire break maintenance around all structures.

Project compliance with these standard County and State requirements would ensure that risks from wildland fires on people and structures would be less-than-significant.

Significance Level: Less than Significant Impact

## 10. HYDROLOGY AND WATER QUALITY:

**Would the project:**

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

Comment:

The project would include approximately 235 cubic yards of grading (cut). Cultivation areas have been previously disturbed, and additional ground-disturbing activities would not be anticipated to prepare the areas for cultivation because cannabis plants would be cultivated

in growing containers (fabric pots, hard pots, and planting beds) placed on top of unbroken ground. New surfaces would include the proposed two water storage tanks. The hammerhead turnarounds will be on existing compacted soil and the minor improvements to the private driveway would take place on

Watershed. The project site is located in the Green Valley subwatershed of the Lower Russian River watershed, which is part of the larger Russian River Hydrologic Unit. The project site is located in the Wilson Grove Formation Highlands Groundwater Basin, which is not identified as a State defined Priority Groundwater Management Basin. There are no blue line streams on the property; however, an unnamed stream runs along Montgomery Road, near the west project boundary. This stream connects to Jonive Creek, a blue-line stream about 3,100 feet south of the project site, which connects to Atascadero Creek, another blue-line stream about one mile east of the project site. Atascadero Creek is tributary to Green Valley Creek, which is tributary to the Russian River.

Green Valley Creek and its watershed, including Atascadero Creek and Jonive Creek, are listed by the State Water Resources Control Board (SWRCB) and North Coast Regional Water Quality Control Board under section 303 of the Clean Water Act as impaired for bacteria and dissolved oxygen.<sup>25</sup> A total maximum daily limit (TMDL) action plan is currently being developed for bacteria.

Waste Discharge. The SWRCB Cannabis General Order WQ 2019-0001-DWQ (Cannabis General Order) for General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, effective as of April 16, 2019, requires submittal of a Site Management Plan describing best management practices (BMPs) to protect water quality and may also require a site erosion and sediment control plan, disturbed area stabilization plan, and/or nitrogen management plan, depending on size and site characteristics of the operation. All outdoor commercial cultivation operations that disturb an area equal to or greater than 2,000 square feet of soil are required to enroll or to apply for a waiver of waste discharge (if applicable). Compliance with the Cannabis General Order is a standard condition of approval for all cannabis permits. County conditions of approval require a copy of the Waste Discharge Permit to be submitted prior to issuance of a Certificate of Occupancy or project operation and vesting the Use Permit.

The project would not require coverage under the SWRCB General Construction Permit because project construction activities would not disturb one or more acres of soil.

In addition, Section 26-88-254(g)(9) of the County Code requires that the applicant submit a

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<sup>25</sup> State Water Resources Control Board, Impaired Water Bodies, Final 2014/2016 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report), [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2014\\_16state\\_ir\\_reports/category5\\_report.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/category5_report.shtml), accessed 11/11/19.

waste water management plan, as follows:

*"A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic waste water anticipated, as well as disposal. All cultivation operations shall comply with the best management practices issued by the agricultural commissioner and shall submit verification of compliance with the waste discharge requirements of the state water resource control board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, graywater or bio-retention treatment systems. If discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity."*

Runoff and storm water control for cannabis cultivation, as addressed in County Code Section 26-88-254 (f) (20), requires:

*"Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the agency having jurisdiction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the county code. All cultivation operators shall comply with the best management practices for cannabis cultivation issued by the agricultural commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides."*

Drainage and Runoff. The cannabis cultivation best management practices prescribed by the County Agriculture Commissioner include measures related to pesticide and fertilizer storage and use, riparian protection, water storage and use, waste management, erosion control/grading and drainage for outdoor cultivation, and pesticide use, waste management, and water use for indoor cultivation.

In addition, project construction would need to meet all applicable County grading and drainage requirements (County Code Chapter 11--Construction Grading and Drainage Ordinance). Required inspections by Permit Sonoma staff would ensure that water quality standards and erosion control measures would be maintained according to the approved project plans and applicable policy regulations.

Application of these standard County and State storm water requirements and County conditions of approval would reduce project storm water runoff impacts to a less-than-significant level.

Significance Level: Less than Significant Impact

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

Comment:

The project is not located in a Priority Groundwater Basin as indicated by the Department of Water Resources Sustainable Groundwater Management Act Basin Prioritization Dashboard. The project site is located in the Wilson Grove Formation Highlands groundwater basin, which is classified as “very low priority.”<sup>26</sup> The Groundwater Sustainability Agencies are currently developing Groundwater Sustainability Plans that must be completed by January 31, 2020 for basins subject to critical conditions of overdraft, and by January 31, 2022, for all other high- and medium-priority basins. These plans will provide a regulatory framework for managing groundwater use.

The project is located in Groundwater Availability Class 2 (Major Natural Recharge Area), and pursuant to Sonoma County General Plan Policy WR-2e and County Policy 8-1-14 would not be required to complete and submit a hydrogeologic assessment to Permit Sonoma. However, because of the project’s proximity to Jonive Creek (which is tributary to Atascadero Creek) and potential impacts on streamflow and critical Steelhead and Coho Salmon habitat, the County requested either (1) a hydrogeologic report from the applicant or, as an alternative approach, (2) a plan designed to result in a zero net increase in groundwater use.<sup>27</sup> The applicant chose the alternative approach and submitted a “Net Zero Water Use Plan” (prepared by Sebastian Bertsch; final version dated February 19, 2019), which the County reviewed and determined to be sufficient.

According to the Net Zero Water Use Plan, there are three wells on the project site: a “lower” well located near the project entrance at Montgomery Road; an “easement” well used by the neighboring parcel that abuts the southern part of the project parcel; and an “upper” well located in the eastern part of the project site near the barn. The primary water source for the project is the “upper” well.

Groundwater use for the existing cannabis cultivation is approximately 1.62 acre-feet per year (AF/yr) (approximately 528,000 gallons per year), which is currently supplied entirely

<sup>26</sup>Department of Water Resources Sustainable Groundwater Management Act Basin Prioritization Dashboard, <https://gis.water.ca.gov/app/bp-dashboard/p2/#>, accessed 11/12/19.

<sup>27</sup> Sonoma County Code Section 26-88-254(g)(10) provides for consideration of a water source as adequate, with respect to cannabis operations, if: “The proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project.”

from groundwater. In order to achieve a “net zero increase” in water use on site, the Net Zero Water Use Plan (p. 4) determined that approximately 183,700 gallons of water would need to be collected from rainwater capture and then stored in two water tanks for later use. The upper water tank, located in the northeastern part of the site near the “storage” building, would have a capacity of 67,900 gallons. The water for this tank would come from rooftops of existing structures in the northern part of the site (such as the pool garage, the “granny unit,” the storage building, and the tank roof itself). The lower water tank would be located in the southeastern part of the site near the barn and would have a capacity of 115,800 gallons. The water for this tank would come from the barn rooftop and the tank roof itself, plus surface flow collected from the western drainage area (see discussion of “recharge” below). The water tanks would provide all project irrigation demand during a nine-week period (late August through October). Use of captured rainwater during this period would prevent drawdown of surface or subsurface stream flows when stream flows are at their lowest. Total water stored in the water tanks would be 183,700 gallons (approximately 0.56 acre-feet). This would reduce the amount of groundwater needed for irrigation from 528,000 gallons per year to 344,300 gallons per year (approximately 1.06 acre-feet).

Recharge. In conjunction with the rainwater capture/storage component of the Net Zero Water Use Plan, the project would also intercept storm water runoff to provide for groundwater recharge. The amount of storm water to be retained has been targeted at double the amount of ground water pumped from the well to provide sufficient volume for groundwater recharge. Two areas of the project site have been identified for vegetated swales: (1) the western recharge area, which would collect storm water from roads, parking areas, roof surfaces not being diverted to the water tanks, and vegetated/landscaped slopes; and (2) the eastern recharge area, which similarly would capture storm water runoff from other on-site roads, storage areas and minor structures, and vegetated slopes. The swales in the western recharge area would be located in the southwestern part of the project site, south of the cultivation area. The swales in the eastern recharge area would be located adjacent to the upper water tank (in the eastern part of the project site). These vegetated swales would be designed to retain 688,000 gallons, which would be approximately twice the amount of groundwater needed by the project over the course of a year (344,300 gallons).

The Permit Sonoma Natural Resources Geologist indicated that the Net Zero Water Use Plan was found to be sufficient in demonstrating that the project would “*meet the zero net use increase in groundwater standard and is unlikely to have any significant impacts on groundwater resources or interconnected surface waters.*”<sup>28</sup>

As conditions of project approval, the County would require:

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<sup>28</sup> Memo from Robert Pennington, Natural Resources Geologist, Permit Sonoma, to Permit and Resource Management Department, Project Review Section, ATTN: Everett Louie, March 19, 2019.

1. Groundwater Monitoring and Meter Calibration;
2. Water meters shall be calibrated, and copies of receipts and correction shall be submitted to Permit Sonoma at least once every five years; and
3. Total well water use for the project shall not exceed 1.06 acre-feet per year, and if average water use over three years exceeds this amount, the applicant would be required to provide a Water Conservation Plan to the County for County approval.

Therefore, based on the County-approved Net Zero Water Use Plan and application of these County conditions of approval, the proposed project would not result in a substantial decrease in groundwater supplies or substantial interference with groundwater recharge.

Significance Level: Less than Significant Impact

- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which**
- i. **would result in substantial erosion or siltation on- or off-site?**

Comment:

There are no blue line streams on the site; therefore, the project will not result in any stream alteration.

As discussed in section 10.b, the project would capture storm water runoff from structure roofs and redirect the water to either of two water tanks or to the on-site vegetated swales. This would reduce the amount of runoff that could result in erosion. The project currently uses straw wattles to prevent gullies or headcutting at some of the steeper portions of the site and proposes to continue this use.

All construction activities associated with the proposed project are required to adhere to Sonoma County Code Chapter 11 (Construction Grading and Drainage) requiring best management practices (BMPs) be incorporated in project activity to further control surface water runoff, and as a result would not be anticipated to alter the existing drainage pattern of the site or area in a way that would result in downstream erosion and/or sedimentation. Chapter 11 requires that drainage facilities and systems be designed to prevent or minimize soil loss through the use of storm drain culverts (pipes), storm drain inlets and outlets, storm drain outfalls, energy dissipators, flow dispersion, check dams, rolling dips, critical dips, proper location and sizing of culverts, revegetation of exposed or disturbed slopes, minimizing cross drains through road outsloping, minimizing the use of artificial slopes, and other best management practices referenced or detailed in the County's best management practices for construction grading and drainage.

In addition, Sonoma County Code Section 26-88-254(f)(20) includes runoff and stormwater control requirements for cannabis cultivation projects and prohibits draining of runoff to the storm drain system, waterways, or adjacent lands. Prior to commencement of grading or construction, the operator is required to prepare for County review and approval a storm water management plan and an erosion and sediment control plan, including best management practices pursuant to Chapter 11 of the County Code. All cultivation operators are required to comply with the best management practices for cannabis cultivation issued by the Agricultural Commissioner for management of wastes, water, erosion control, and management of fertilizers and pesticides.

Therefore, based on application of these standard County Code requirements, the proposed project would not result in substantial erosion or siltation either on-site or off-site.

Significance Level: Less than Significant Impact

- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

Comment:

As discussed in section 10.c.i, the proposed project would not substantially increase impervious surface area, and would capture storm water runoff from structure roofs and redirect the water to either of two water tanks or to on-site vegetated swales. This would reduce the amount of runoff. In addition, project compliance with County Code requirements related to storm water runoff and drainage would ensure that the project would not increase the rate or amount of surface runoff.

Significance Level: Less than Significant Impact

- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**

Comment:

As discussed in section 10.c.i, the proposed project would not substantially increase impervious surface area, and would capture storm water runoff from structure roofs and redirect the water to either of two water tanks or to on-site vegetated swales. This would reduce the amount of runoff.

Permit Sonoma Grading and Stormwater Section staff reviewed the project referral and provided conditions of approval to ensure project compliance with the County Construction Grading and Drainage Ordinance (Zoning Code Chapter 11). The project would require a grading permit, which would not be issued until all recommended feasible storm water

treatment options have been incorporated into project design in compliance with all applicable standards of the County Code. Project compliance with these standard conditions of approval and County Code requirements related to storm water runoff and drainage would ensure that the project storm water runoff would be reduced sufficiently to ensure that the capacity of existing or planned drainage systems are not exceeded by project storm water runoff or that project storm water runoff would not increase the rate or amount of surface runoff or polluted runoff.

Significance Level: Less than Significant Impact

**iv. impede or redirect flood flows?**

Comment:

Refer to response c.ii above.

Significance Level: Less than Significant Impact

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

Comment:

According to Figure PS-1e<sup>29</sup> of the General Plan, the project site is not located in a flood hazard area. The project site is in an “area of minimal flood hazard” as designated by FEMA (Zone X). The project is not subject to seiche or tsunami because the project site is not located in an area subject to tsunami (about 10 miles from the coast). Seiche is a wave in a lake caused by strong winds or rapid changes in atmospheric pressure, or seismic or other processes, that push water from one end of a body of water to the other. The closest lake or similar water body is a private lake at B Vineyards and Habitat, about one mile to the northeast.

Significance Level: No Impact

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Comment:

The County would require any construction activities to be designed and conducted to prevent or minimize the discharge of pollutants or waste from the project site. Best Management Practices to be used to accomplish this goal could include measures such as silt fencing, straw wattles, and soils discharge controls at construction site entrance(s).

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<sup>29</sup>General Plan Safety Element Update, Figure PS-1E Flood Hazard Areas, <http://sonomacounty.ca.gov/PRMD/Long-Range-Plans/General-Plan/Public-Safety-Flood-Hazard-Areas/>, accessed 11/26/19.

Storm water Best Management Practices may also include primary and secondary containment for petroleum products, paints, lime and other hazardous materials of concern. Because no discharges from the project site to waters of the state are proposed, the project would not conflict with or obstruct the implementation of a water quality control plan. In addition, the project site is not presently located in a medium or high priority sustainable groundwater management plan (SGMA) basin for which there is an approved Groundwater Sustainability Plan.

Significance Level: No Impact

## **11. LAND USE AND PLANNING:**

**Would the project:**

**a) Physically divide an established community?**

Comment:

The project would not physically divide a community. The project is surrounded by rural residential lands, agricultural lands, and forest canopy. The project does not involve construction of a physical structure or removal of a road or other access route that would impair mobility within an established community or between a community and outlying areas.

Significance Level: Less than Significant Impact

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Comment:

The project would not conflict with any applicable land use plan adopted for the purpose of avoiding or mitigating environmental effect, including the Sonoma County General Plan and Zoning Ordinance. The project site is not within a designated Biotic Resource area or Valley Oak Habit area. However, the parcel is zoned Riparian Corridor due to a Riparian Corridor being located at the intersection of the private driveway and Montgomery Road. The actual project is located over 550 feet north of the Riparian Corridor.

The proposed project would also be consistent with goals, policies, and objectives in the Sonoma County General Plan 2020 related to avoiding or mitigating an environmental effect, including:

- **Preservation of Agricultural Lands (General Plan Goal LU-9, Policy AR-4a, LU-9.3, LU-17.4):** The project would be consistent with these regulations because it would not include residential development or induce additional residential development on lands designated for agricultural use. The proposed cannabis cultivation operation is a permitted use for the Diverse Agriculture land use designation and would therefore not be in conflict with these policies. The project does not propose construction of new buildings but instead would use existing buildings, with the outdoor cultivation using pots rather planting into the ground. The parcel contains existing agriculture which includes 10,890 square feet for a vegetable garden, 1,200 square feet for an apple orchard and 1,000 square feet for a lime orchard. All existing agriculture uses would remain unchanged.
  
- **Protection of Water Resources (General Plan Goal LU-8, Goal WR-q, Objective LU-8.1, Goal, Policy LU-8a, Policy LU-8f, Policy LU-11g, Policy WR-1g, Policy WR-1h, Policy WR-4a):** The project's "net zero" water use plan would reduce project demand of groundwater resources and would provide vegetated swales to allow groundwater recharge. The project would practice drip irrigation and hand application of chemicals, nutrients, and pesticides to reduce overuse of possible harmful toxics. The project would also be consistent with water quality regulations by reducing the amount of storm water runoff (via the vegetated swales, which allow for natural infiltration of water into the soil). Additionally, the project would comply with County and State water quality standards, including use of best management practices and erosion and storm water control measures, as discussed in section 10, Hydrology and Water Quality.
  
- **Riparian Protection (General Plan Policy LU-10a):** Project outdoor cultivation areas would be about 550 feet from the riparian corridor and would therefore be consistent with regulations pertaining to siting standards for riparian corridors.
  
- **Night time lights and preservation of night time skies and visual character (General Plan Goal OSRC-4, Objective OSRC-4.1, Objective OSRC-4.2, Policy OSRC-4a, Policy OSRC-4b, and Policy OSRC-4c):** The project would include security lighting that could introduce new sources of exterior light and possible glare, but all lighting would be fully shielded and downward casting and would not spill over onto structures, other properties, or the night sky. Indoor cultivation operations similarly would be fully contained to prevent light from escaping. The project lighting characteristics would be consistent with general plan policies.
  
- **Renewable energy (General Plan Policy LU-11b, Goal OSRC-14, and Objective OSRC-14.2):** The project would purchase 100% renewable power from EverGreen-Sonoma Clean power and thereby be consistent with County goals of increasing energy

conservation and improving efficiency. In addition, the project would use solar power to pump water from the two new water storage tanks.

The project would also comply with Sonoma Code section 26-88-254, which regulates commercial cannabis projects, including conformance with the agricultural commissioner's best management practices, minimum lot size, property setbacks, and other aspects as identified and evaluated in this Initial Study (such as fire prevention, hazardous waste management, recycled water use, and groundwater monitoring).

Project consistency with these General Plan goals, policies, and objectives, and with the Sonoma Code provisions regulating commercial cannabis projects demonstrate that the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Significance Level: Less than Significant Impact

## 12. MINERAL RESOURCES:

**Would the project:**

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Comment:

The project site is not located within a known mineral resource deposit area (Sonoma County Aggregate Resources Management Plan, as amended 2010). Sonoma County has adopted the Aggregate Resources Management Plan that identifies aggregate resources of statewide or regional significance (areas classified as MRZ-2 by the State Geologist).

The project site does not contain any active mines or known mineral resources that would require preservation and/or be impacted by the project.

Significance Level: No Impact

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

Comment:

The project site is not located within an area of locally important mineral resource recovery and the site is not zoned MR (Mineral Resources) (Sonoma County Aggregate Resources

Management Plan, as amended 2010 and Sonoma County Zoning Regulations.)<sup>30</sup> No locally important mineral resources are known to occur at the site.

Significance Level: No Impact

## 13. NOISE:

Would the project result in:

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Comment:

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying. The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness. There are several methods of characterizing sound. The most common method is the "A-weighted sound level," or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6dB with each doubling of distance from a point, or stationary, source of sound, and 3 dB for each doubling of distance from a mobile source of sound. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one

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<sup>30</sup> Sonoma County Aggregate Resources Management Plan, <https://sonomacounty.ca.gov/PRMD/Long-Range-Plans/Aggregate-Resource-Management/Plan-Selection/>, accessed 10/14/19.

noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73dB.

County noise standards (as indicated in Table NE-2 of the General Plan) establish a maximum allowable exterior noise exposures of 50 dBA in the daytime (7:00 AM to 10:00 PM) and 45 dBA in the nighttime (10:00 PM to 7:00 AM), as measured using the L50 value (the value exceeded 50 percent of the time, or 30 minutes in any hour – i.e., this is the median noise level).

<b>Maximum Allowable Exterior Noise Exposures for Non-transportation Noise Sources<sup>(A)</sup></b>		
<b>Hourly Noise Metric, dBA<sup>(B)</sup></b>	<b>Daytime (7 AM to 10 PM)</b>	<b>Nighttime (10 PM to 7 AM)</b>
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
Source: Sonoma County General Plan Noise Element Table NE-2		
(A) Pursuant to General Plan Policy NE-1C, the noise standards apply at the exterior property line of any adjacent noise sensitive land use.		
(B) The sound level exceeded n% of the time in any hour. For example, L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level.		

As discussed in the 2016 ND (p. 39), *“Cannabis operations could cause potential noise impacts through preparation of land for outdoor cultivation, construction activities for associated structures, noise from onsite power generators, and road noise from related traffic.”* Other potential sources of noise associated with cannabis operations can include fans (circulation, ventilation, exhaust, etc.), blowers (heaters, etc.), and alarms (on equipment such as forklifts).

Section 26-88-254 (g) (6) of the County Code includes the following standard pertaining to cannabis: *“Cultivation operations shall not exceed the General Plan Noise Standards table NE-2, measured in accordance with the Sonoma County Noise Guidelines.”* In addition, the Ordinance also includes a provision that *“the use of generators as a primary source of power shall be prohibited.”* The project does not include a power generator.

Additionally, due to the low trip generation associated with the project, road noise from related would also be minimal.

Based on review of the project plans and distance information obtained via Google Earth,

the outdoor cultivation area would be located at least 300 feet from off-site residences. The indoor cultivation, propagation and processing would be located in four existing buildings. The closest building to an off-site residence is approximately 120 feet. While the distance to off-site residences is fairly close, normal operating noise-generating uses would be from carbon filter fans located within the indoor cultivation, propagation and processing facility. These indoor facilities would be fully enclosed and locked during operational hours, allowing for the attenuation of noise and thereby ensuring that any noise associated with the indoor cultivation operation would not expose persons to noise levels in excess of standards.

An Environmental Noise Study was prepared for the project by CSDA Design Group. The report, dated May 29, 2019, conducted long-term (72-hour) measurements at the project site (from May 10 to 13, 2019) to quantify the existing environmental noise levels, and also conducted short-term measurements of noisy on-site equipment (e.g., ventilation fans, condenser units). The noise consultant determined that major noise sources in the area included birds and other wildlife, as well as noise from ventilation fans at the project site and small-scale farm equipment (e.g., ATV, pickup trucks, plows).

The Environmental Noise Study conducted two measurements with receivers located on the northeast property line and the south property line. The northeast property line is shared by the closest off-site residence which is located approximately 120 feet away from the receiver. The south property line is shared by the closest off-site residence which is located approximately 157 feet away from the receiver. Long-term (72-hour) measurements were conducted at the project site from May 10 to 13, 2019 in order to quantify existing environmental noise levels and short term measurements which focused on noisy equipment at the site (e.g., ventilation fans, condenser units). Long-term noise measurement results are:

<b>Location</b>	<b>LT-1: Northeast Property Line (Pool House) (dBA)</b>	<b>LT-2: South Property Line (Outdoor Grow Area) (dBA)</b>
$L_{dn}$	41	48
Quietest 4 Daytime Hours (7 am to 10 pm)	31	35
Quietest 4 Nighttime Hours (10 pm to 7 am)	26	26

The Environmental Noise Study then conducted specific measurements to quantify the existing noise levels for equipment placed directly outside of the indoor structures. The noise study found that ventilation fans placed inside the garage (#4 on site plan) produced 52 dBA within a 5 foot radius, the garages (#2A on site plan) adjacent to the single family residence produced 55 dBA within a 7 foot radius and the garage condenser units (#2B on site plan) produced 62 dBA within a 3 foot radius. These calculations were then used to determine project noise effects at a greater distance, the northwest and northeast property lines. Calculations to the west and south were not done because the closest residences to the indoor operation are over 500 feet away. Calculations to the east were not done

because the closest residence to the indoor operation are over 300 feet away.

Project-generated noise levels for L<sub>50</sub> hourly noise levels are listed below:

Location	Northwest Property Line Receiver		Northeast Property Line Receiver	
	Calcd. Level (dBA)	Criteria (dBA)	Calcd. Level (dBA)	Criteria (dBA)
Daytime L <sub>50</sub> Noise Level	33	50	35	50
Nighttime L <sub>50</sub> Noise Level	33	45	35	45

Project noise levels at the Northwest property line would reach 33 (dBA) for daytime noise levels. Project noise levels at the northeast property line would reach 35 (dBA) for daytime noise levels. Because the daytime noise threshold for the County is 50 dBA, noise produced from the ventilation fans during the daytime would be less than the County's noise criteria at the adjacent properties.

Project noise levels at the Northwest property line would reach 33 (dBA) for nighttime noise levels. Project noise levels at the northeast property line would reach 35 (dBA) for nighttime noise levels. Because the nighttime noise threshold for the County is 45 dBA, noise produced from the ventilation fans during the nighttime would be less than the County's noise criteria at the adjacent properties.

The proposed project will include noise creating equipment, however as mentioned above, the carbon fans will be in fully enclosed buildings, preventing noise from traveling to neighboring parcels. Additionally, the noise study calculated noise levels at the northwest and northeast property line to be below the County threshold for both daytime and nighttime levels. Therefore, noise from the project would be expected to be less than the County's noise criteria at the adjacent properties, and noise impacts would be less than significant.

Significance Level: Less than Significant Impact

**b) Generation of excessive ground-borne vibration or ground-borne noise levels?**

Comment:

According to the 2016 Medical Cannabis Land Use Ordinance Negative Declaration (p. 20), *"The nature of cannabis cultivation uses does not involve vibration or ground borne noises, except for potential impacts related to construction of related structures. These impacts would be from conventional construction equipment and would be short-term and temporary, limited to daytime hours. Some cannabis operations located in remote areas*

*utilize power generators as the primary source of power, which can create noise impacts and expose people to excessive vibration and noise levels. The proposed Ordinance prohibits the use of generators as a primary source of power thus the potential for impacts is substantially reduced to less than significant."*

The proposed project would include some construction activities, minor improvements to the hammerhead turnarounds, and minor driveway and access road modifications as conditioned by the Department of Transportation and Public Works and the Fire Department. The proposed construction activities would be minor as the existing road is in very good condition, the existing hammerhead turnarounds require minor changes and installation of the water tanks would be short. These activities may generate minor ground borne vibration and noise from conventional construction equipment, but no intensive vibratory noise would occur, such as pile-driving or jackhammering. All construction noise would be short-term, temporary, and limited to daytime hours. The setback requirements in Section 26-88-254 of the County Code would provide sufficient distance to reduce these ground-borne vibration levels, allowing for dissipation before they could reach any sensitive receptor locations.

Significance Level: Less than Significant Impact

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

Comment:

The project site is not within the Airport Referral Area as designated by the Sonoma County Comprehensive Airport Land Use Plan. The project site is not within the vicinity of a private airstrip or within two miles of a public airport or public use airport. The Charles M. Schulz Sonoma County Airport is located approximately 7 miles northeast of the project site. The project therefore would not expose people working in the project area to excessive noise levels.

Significance Level: No Impact

## 14. POPULATION AND HOUSING:

Would the project:

- a) **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Comment:

The project site contains an existing single-family residence and another dwelling unit ("granny unit"). Both dwelling units would remain on-site and are not part of the current use permit application. The current project proposes cannabis cultivation operations that would employ two to three full time employees. The proposed project therefore would not induce substantial population growth in the area, either directly or indirectly.

Significance Level: No Impact

- b) **Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

Comment:

As discussed in section 14.a, the project site contains an existing single-family residence and another dwelling unit ("granny unit") that would remain and are not part of the project. The proposed project would not displace existing housing, and therefore would not necessitate the construction of replacement housing elsewhere.

Significance Level: No Impact

## 15. PUBLIC SERVICES:

Would the project:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Comment:

Construction of the project would not involve substantial adverse physical impacts associated with provision of public facilities or services, and the impact would be less than

significant. No new housing is included in the project proposal. The project would employ two to three employees and would not necessitate or facilitate construction of new public facilities because of the small scale of the project.

Significance Level: Less than Significant Impact

**i. Fire protection?**

Comment:

The parcel is located within a Local Responsibility Area in the Gold Ridge Fire Protection District.

County Fire reviewed the project description and plans on March 13, 2018 and determined that the project needs to comply with Fire Safe Standards (Sonoma County Code Ch. 13), including fire protection methods such as sprinklers in buildings, alarm systems, extinguishers, and emergency water supply, and would also have to comply with Hazardous Materials Regulations (Sonoma County Code Ch. 29), including hazardous materials management and management of flammable or combustible liquids and gases. In addition, the project would be required by Sonoma County Code Section 26-88-254(f) to: *“...prepare and implement a fire prevention plan for construction and ongoing operations and obtain any permits required from the fire and emergency services department. The fire prevention plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.”* Because none of these standard County Code requirements would result in the need to construct new or expanded fire protection/EMS facilities, project impacts on fire protection/EMS would be less than significant.

Significance Level: Less than Significant Impact

**ii. Police?**

Comment:

The Sonoma County Sheriff would continue to serve this area. There would be no increased need for police protection resulting from the project.

The project would not include construction of any new homes or a substantial amount of businesses or infrastructure, and therefore would not induce substantial population growth. The project would generate two to three jobs. Existing police protection facilities would be adequate to serve the proposed project.

Significance Level: Less than Significant Impact

**iii. Schools?**

Comment:

Development fees to offset potential impacts to public services, including school impact mitigation fees, are required by Sonoma County Code and state law for new subdivisions and residential developments. The project would not include new residential development, and no new schools are reasonably foreseeable as a result of the project. The project would not contribute to an increase in the need for expanded or additional schools, parks, or other public facilities, and therefore would not result in a significant impact on schools.

Significance Level: No Impact

**iv. Parks?**Comment:

The proposed project does would include the development of new residential uses and thus would not result in the need for new or expanded park facilities.

Significance Level: No Impact

**v. Other public facilities?**Comment:

The project is in the Sonoma County Library service area and is about three miles from the Sebastopol Regional Library. The project would not create any new residential uses, and therefore increases in County library service demand resulting from the project would be less-than-significant. In addition, because the project would use on-site septic and water services, it would not require expansion or construction of other public facilities.

Significance Level: No Impact

**16. RECREATION:**

**Would the project:**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Comment:

The proposed cannabis cultivation project would employ two to three full-time employees and would not cause or accelerate substantial physical deterioration of parks or recreational

facilities. The proposed project does not include any residential use and therefore would not lead to an increase in the use of existing neighborhood or regional parks or other recreational facilities.

Significance Level: No Impact

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Comment:

The proposed project does not involve construction of recreational facilities. See item 16.a. above.

Significance Level: No Impact

## **17. TRANSPORTATION**

**Would the project:**

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities?**

Comment:

As discussed in the 2016 Negative Declaration for the Medical Cannabis Land Use Ordinance (2016 ND, p. 44), increases in traffic generated as a result of cannabis operations were considered to be consistent with the General Plan 2020 and associated EIR, and therefore the Medical Cannabis Land Use Ordinance (Ordinance No. 6198) was determined not to conflict with an applicable transportation/circulation plan. The 2016 ND (p. 44) also noted that while traffic impacts would vary with the type and size of individual cannabis operations (and number of employees), the greatest traffic generation anticipated would be for employee trips during the planting and harvest operations.

Due to the small amount of traffic estimated to be generated by the project, no traffic study was required by the County. The project applicant submitted a "Cannabis Trip Generation" form as requested by the County. The proposed project proposal includes 2-3 employees and during harvest, the applicant has indicated that if needed, they will hire up to 12 temp-seasonal employees. The temp-seasonal employees will come up in two vehicles during a two-day period of harvesting the outdoor cannabis. The Cannabis Trip Generation estimated the peak average daily trips (ADT) to be 14 daily trips.

Montgomery Road is a local County Maintained road that connects to Bodega Highway, a major collector, approximately 4,000 feet south of the project site.<sup>31</sup> Average daily traffic volume along Montgomery Road, measured by the County near the intersection with Bodega Highway, was approximately 264.<sup>32</sup> The proposed project would increase traffic by 14 trips per day. This represents a 5.3% increase in traffic. The proposed project would not alter the roadway configuration, proposes a project that is minor in scope and any permanent increase in traffic due to employment would be minor compared to existing average volumes (approximately 5.3% percent increase in ADT for Montgomery Road).

There are no marked bicycle facilities near the project, and neither of the two roads (Montgomery Road and Bodega Highway) has provisions for pedestrians. There are no paved shoulders on either road. The project does not propose any improvements to bicycle or pedestrian facilities on Montgomery Road.

The closest Sonoma County Transit stop is over 1.5 miles east of the project site at Ragle Road and Covert Lane, next to Ragle Park. The project would not interfere with policies promoting public transit due to the distance from the transit stop.

Based on the above, the project would not conflict with programs, plans, ordinances, or policies addressing the circulation system (including transit, roadways, bicycle and pedestrian facilities).

Significance Level: Less than Significant Impact

**b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

Comment:

Sonoma County has not yet adopted a vehicle miles traveled (VMT) standard, but LOS standards are established by the Sonoma County General Plan Circulation and Transit Element. However, although using VMT in transportation analysis is not required by the State until July 1, 2020, the Governor's Office of Planning and Research (OPR) has provided guidance on using VMT for analyzing transportation impacts. For rural areas, OPR recommends determining significance thresholds on a case-by-case basis, and in particular: *"[P]rojects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."* As discussed in section 17.a, traffic resulting from the project would be approximately 14 trips per day.<sup>33</sup>

<sup>31</sup> Sonoma County Department of Transportation & Public Works, Functional Classification, <http://sonomacounty.ca.gov/TPW/Roads/Services/Data-and-Resources/Functional-Classification/>, accessed 12/2/19.

<sup>32</sup> Sonoma County Department of Transportation & Public Works, Traffic Surveys, <https://www.arcgis.com/apps/webappviewer/index.html?id=5c2f8748449c4dcea7619b723d3463b1>, accessed 12/3/19.

<sup>33</sup> Governor's Office of Planning and Research, "Technical Advisory: On Evaluating Transportation Impacts in CEQA," December 2018, pp. 12 and 19.

Significance Level: Less than Significant Impact

**c) Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Comment:

The project would not change the existing alignment of any roadway. Additionally, there are no sharp curves or dangerous intersections on Montgomery Road near the project site. The proposed cannabis cultivation is small-scale and would not require the use of large farm equipment such as large tractors, backhoes, front-end loaders, cultivators and plows that could prohibit traffic flow on the main road. The project would be compatible with the rural character of the area by incorporating small scale farming equipment (shovels, rakes, hoes). Therefore, the project would not increase hazards due to geometric design features or incompatible uses.

Significance Level: Less than Significant Impact

**d) Result in inadequate emergency access?**

Comment:

County Fire reviewed the project description and plans on March 13, 2018 and did not require major improvements to facilitate emergency access. County Fire provided standard conditions of approval stating that the project needs to comply with Fire Safe Standards (Sonoma County Code Ch. 13) and the California Fire Code related to fire apparatus access roads to the project site. Project plans would require review by a Department of Fire and Emergency Services Fire Inspector during the building permit process to ensure compliance with emergency access issues. County Fire conditions of approval for driveway and access road compliance with County standards, and these other standard County Code requirements and review, would ensure that project impacts on emergency access would be less than significant.

Significance Level: Less than Significant Impact

**f) Result in inadequate parking capacity?**

Comment:

Sonoma County Code Section 26-86 includes no specific parking requirements for cannabis cultivation land uses. The project would not be open to the public, and parking on-site would be designated for employees. There would be adequate parking available to employees on site, including two ADA parking spots, one located adjacent to the outdoor cultivation site and one adjacent to the indoor cultivation site. Additional parking is located in a 2,500 square foot gravel parking lot located to the west of the outdoor cultivation site,

east of a hammerhead turnaround site and directly below the ADA parking spot. The 2,500 square lot can fit up to 10 vehicles providing ample parking for employees.

Significance Level: Less than Significant Impact

## 18. TRIBAL CULTURAL RESOURCES:

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:**

**i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5030.1(k), or**

**ii) A resource determined by the lead agency. In its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Comment:

As discussed in section 5, Cultural Resources, a Northwest Information Center records search did not indicate known Traditional Cultural Resources (TCR) or unique archaeological resources associated with TCRs located within the project boundaries. In addition, on January 17, 2018, the County referred the project application to local Native American Tribes within Sonoma County to notify them of the project in compliance with AB-52 notification requirements. The Federated Indians of Graton Rancheria response noted, "*No issue on this one.*" Tribal response to Sonoma County notification of the project also did not identify known TCRs or unique archaeological resources associated with TCRs within project boundaries, nor did any tribe request consultation.

Subsequent to this response, additional project information became available indicating that the project would require a limited amount of ground disturbance not specified in the original referral. The County has contacted the NWIC and the tribes with this additional information but has not received any responses or requests for consultation. The standard County Code requirements to protect cultural and archaeological remains (and human remains) would address this potential impact.

The proposed project would result in no substantial adverse change in the significant of an archaeological resource as defined in CEQA Guidelines Section 15064.5. As further discussed in section 5, the project would be required to comply with the County grading ordinance (County Code Chapter 11, Sec. 11-14-050), which includes provisions for the protection of human remains and archaeological resources during grading activities. The project would also be required to comply with County Code Section 26-88-254(14), which stipulates that cannabis *“cultivation sites shall avoid impacts to significant cultural and historic resources...”* These standard County requirements would reduce potential project impacts on previously undiscovered TCRs or unique archaeological resources accidentally encountered during project implementation to a less than significant level.

Significance Level: Less than Significant Impact

## 19. UTILITIES AND SERVICE SYSTEMS:

Would the project:

- a) **Require or result in the relocation or construction of new or expanded water, waste water treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Comment:

As discussed in section 10, Hydrology and Water Quality, the project would use an existing on-site well for its water supply, and proposes to construct two water tanks to capture rain water for irrigation use in the summer. The project would also include vegetation swales to capture storm water and allow for infiltration into the soil. The project would use on-site septic for waste water disposal, which would be required to meet County standards for on-site waste water disposal. Construction-period impacts associated with these on-site improvements have been discussed elsewhere in this Initial Study (e.g., section 3, Air Quality; section 4, Biological Resources; section 5, Cultural Resources; section 8, Greenhouse Gas Emissions). No construction or relocation of off-site utilities would be required.

Significance Level: Less than Significant Impact

- b) **Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Comment:

As discussed in section 10, Hydrology and Water Quality, the project would construct two water tanks to store captured rainwater for summer irrigation use, which would ensure adequate water supplies. The captured rainwater will supply 183,700 gallons (0.56 acre-feet) and vegetated swales will enhance groundwater recharge by 610,000 gallons (1.87 acre-feet) in a typical drought year. The estimated irrigation water use for the project was estimated to be 528,000 gallons (1.62 acre-feet). Because the proposed groundwater recharge is greater than irrigation use, and the project will use captured rainwater for irrigation, the project will have a less than significant impact on existing water supplies.

Significance Level: Less than Significant Impact

- c) Result in a determination by the waste water treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Comment:

The project site is served by two existing septic systems. The proposed project would not be served by public waste water and would not impact the capacity of public facilities. As discussed in section 19.a, the project septic system would be required to meet County standards for on-site waste water disposal.

Significance Level: No Impact

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Comment:

Sonoma County has an existing solid waste management program that provides solid waste collection and disposal services for the entire County. The program can accommodate the permitted collection and disposal of the waste that would result from the proposed project.

In addition, Section 26-88-254(g) of the County Code requires cannabis projects to prepare:

*"A Waste Management Plan addressing the storing, handling and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner [which] shall be submitted for review and approval by the agency having jurisdiction. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose or reuse the wastes in compliance with Best Management Practices and County standards. All garbage and refuse on this site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and*

*refuse on this site shall not be accumulated or stored for more than seven calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the Solid Waste Local Enforcement Agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public."*

Project compliance with this standard County Code requirement would ensure that project impacts on solid waste disposal would be less than significant.

Significance Level: Less than Significant Impact

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Comment:

Sonoma County has access to adequate permitted landfill capacity to serve the proposed project. The project would not produce a substantial amount of solid waste.

Significance Level: No Impact

## **20. WILDFIRE**

As discussed in section 9.g, the proposed project is located in a Local Responsibility Area, with a Fire Hazard Severity Zone (FHSZ) designation of "Moderate." Moderate FHSZ's include a) wildland areas of low fire frequency supporting modest fire behavior; and b) developed/urbanized areas with a very high density of non-burnable surfaces and low vegetation cover that is highly fragmented and low in flammability. The nearest high FHSZs are located less than one mile to the south and southwest in the West Sebastopol/Freestone area.

**If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:**

**a) Substantially impair an adopted emergency response plan or emergency evacuation plan?**

Comment:

Implementation of the project would not adversely impact the implementation of an emergency response or emergency evacuation plan. The proposed project would be required to comply with the standards in Sonoma County Code Chapter 13, which include requirements for emergency access, minimum emergency water supply, fuel modification

and defensible space, sprinklers, and road naming and addressing. In addition, the project would be required to comply with Sonoma County Code Section 26-88-254(f)(16), which requires preparation, and County approval, of a fire prevention plan. As discussed in section 17.d, Transportation, County Fire conditions of approval include project modifications to the driveway and access road, as necessary, to ensure compliance with County standards. These County requirements provide for safe ingress of emergency vehicles needing to access the site in the event of an emergency and safe egress of vehicles needing to exit the site. Project compliance with these County standards and State Building Code requirements, and County review, would ensure that the project would have a less-than-significant impact related to emergency response and evacuation planning.

Significance Level: Less than Significant Impact

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Comment:

The average slope on the project parcel is about 12 percent. The property rises in elevation from west to the northeast, where most of the existing structures are located. Strong north-east “Santa Ana” winds can increase the severity of wildland fire in the fall months. During fire season, gradient winds are generally out of the south/southwest at 5-10 mph, strengthening to 10-15 mph in the late afternoon.<sup>34</sup> The proposed project would include two to three full-time employees, and there is an occupied residence currently on the project site. However, as discussed in section 20.a, the project would be required to comply with Sonoma County Code Chapter 13, which includes requirements for fuel modification and defensible space, and County Code Section 26-88-254 (f)(16), which requires preparation of a fire prevention plan. Project compliance with these County Fire Safety Standards, and County review, would ensure that project wildfire and wildfire pollutant concentration effects on project occupants would be less than significant.

Significance Level: Less than Significant Impact

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Comment:

The proposed project is located on a site that has an existing, unpermitted cannabis cultivation operation and existing structures. As discussed in section 20.a, the project would be required to comply with Sonoma County Code Chapter 13 and County Code

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<sup>34</sup> “Sonoma County Community Wildfire Protection Plan”, p. 13.

Section 26-88-254 (f)(16), which establish County standards for emergency access, minimum emergency water supply (on-site), fuel modification and defensible space, and sprinkler installation.

The project would include minor improvements to the existing hammerhead road turnarounds, and compliance with AASHTO standards as conditioned by the Department of Transportation and Public Works. These improvements would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Pursuant to Public Resource Code 4442, the Applicant would be required to include a note on all construction plans that internal combustion engines be equipped with an operational spark arrester, or the engine must be equipped for the prevention of fire. Therefore, the project would not result in exacerbated fire risk due to installation or maintenance of infrastructure.

Significance Level: Less than Significant Impact

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

Comment:

As discussed in section 7.a.iv, the project site is not located in an area highly susceptible to landslides. In addition, the proposed project does not propose any construction or grading that could destabilize slopes or result in slope failure. No new buildings are proposed, and the outdoor cultivation areas would be located on previously graded terraces. As discussed in section 10, Hydrology and Water Quality, grading necessary for construction of the water tanks would be minimal. Therefore, the project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes.

Significance Level: Less than Significant Impact

## **21. MANDATORY FINDINGS OF SIGNIFICANCE**

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Comment:

Potential project impacts on special status plant and fish/wildlife species and habitat are

addressed in section 4. Biological Resources. Implementation of the required mitigation Measures (Mitigation Measures BIO-1) would reduce these potential impacts to a less-than-significant level.

Significance Level: Less than Significant with Mitigation Incorporated

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Comment:

Section 15355 of the CEQA Guidelines state: *Cumulative impacts refers to two or more individual effects which when considered together, are considerable or which compound or increase other environmental impacts.* Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. A search was undertaken to identify reasonably foreseeable projects in the vicinity of the proposed project area that might have overlapping or cumulative impacts. There are 6 other applicants who have either applied or been issued cannabis cultivation permits in the surrounding vicinity (about a 2-mile radius from the project site), ranging in size from 500 square feet to 10,000 square feet. Two of these are working through the permit program; the other four have been issued permits from the Agriculture Department.

Although there are small parcels in the area, (1-9 acres), the overall parcels within a 2-mile radius are rather large (10-50 acres). The large average parcel size in the surrounding area reduces potential for cumulative aesthetic impacts related to additional construction or commercial activity that could occur in the area because such future uses would likely be separated enough to diminish the visual impact of the overall view from any particular location.

Additionally, all cannabis use permit projects must either provide substantial evidence that they use would not exacerbate existing groundwater conditions or meet a net zero water use. The proposed project is creating a net zero water use that will increase the amount of rainwater recharge back into the ground, creating a net surplus of water on average per year. All 7 surrounding proposed and in operation cannabis projects are also in a major groundwater recharge area (Zone 2).

The cannabis ordinance of Sonoma County requires all cannabis projects to be sourced from 100% renewable, on-site zero net energy renewable or the purchase of carbon offsets. The proposed project will source energy from 100% renewable as well the surrounding cannabis projects in the permitting process. Because of this, cumulative energy impacts are not anticipated to rise to a cumulatively considerable level.

The combined project contributions are not anticipated to rise to a cumulatively considerable level.

Significance Level: Less than Significant with Mitigation Incorporated

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Comment:

All potential environmental effects of the project were analyzed. Some environmental impacts could have adverse effects on human beings, including air quality/odor, noise, and traffic. However, implementation of the recommended mitigation measures identified in this Expanded Initial Study would reduce these impacts to a less than significant level.

Significance Level: Less than Significant Impact with Mitigation Incorporated

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